Conférence des Nations Unies sur l'Environnement et le Développement (CNUED)

3ème Séance du Comité préparatoire

GENÈVE

12 août au 4 septembre 1991

RAPPORTS FINALS

Vol. I

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TROISIÈME RÉUNION DU COMITÉ PRÉPARATOIRE À LA CNUED : VUE D'ENSEMBLE ET ÉVALUATION

RÉSUMÉ

Lors de la troisième réunion du comité préparatoire de la CNUED (PrepCom III), le processus de la CNUED est enfin passé de l'étape des déclarations à celle des négociations. Les délégations ont assumé la responsabilité de trouver des solutions aux nombreux problèmes complexes à l'ordre du jour de la CNUED plutôt que de simplement demander d'autres études au Secrétariat. Les deux documents principaux qui résulteront de la conférence de Rio, en juin prochain, la Charte de la Terre et Agenda 21, le Plan d'action pour le XXI[e] siècle, ont commencé à prendre forme. Nous avons esquissé les règlements de procédure du comité préparatoire final, qui se réunira à New York en mars prochain, et de la CNUED proprement dite. Cependant, alors que trois de ces comités préparatoires sont déjà passés et qu'il n'en reste qu'un avant la tenue, à Rio, du plus grand rassemblement de chefs d'États de tous les temps, nous avons une somme énorme de travail à accomplir en rapport avec toutes les questions. Les textes relatifs aux questions environnementales sectorielles sont très inégaux, émaillés de parenthèses carrées, et devront être remis à jour pour accommoder la structure générique d'Agenda 21 mise au point pendant ce PrepCom. En ce qui concerne les grandes questions intersectorielles, les négociations proprement dites ont commencé pendant ce PrepCom sur le texte traitant de la question du transfert de technologie seulement. Quant à la question cruciale des ressources financières, ce que nous avons pu faire de mieux comme point de départ acceptable par tous a été une compilation de vues préparée par le Canada à titre de président des négociations officieuses. Le plus grand défi que nous aurons à relever, toutefois, sera celui de venir à bout des tensions Nord-Sud qui prennent de l'ampleur. Nous devons éviter de structurer les négociations finales à New York comme s'il s'agissait simplement d'un troc : une protection accrue de l'environnement dans le Nord contre un accroissement de l'aide au développement pour le Sud. Il nous faudra réaffirmer l'intérêt que nous avons tous à combiner environnement et développement au moyen d'un dialogue politique entre gouvernements si nous voulons conclure le processus des PrepCom par un ensemble de documents que les leaders pourront signer à Rio.

RAPPORT

La délégation canadienne est arrivée à ce PrepCom bien préparée à apporter une contribution importante dans les questions au sujet desquelles nous croyons que la CNUED peut faire la différence. Nous avons participé en particulier aux

négociations relatives aux forêts, aux océans (ressources marines vivantes et pollution des mers), à la Charte de la Terre, aux questions institutionnelles et aux ressources financières.

En collaboration avec nos ONG et un certain nombre d'autres délégations, nous avons aidé à préparer et à coparrainer des résolutions spécifiques qui renforceront la participation des femmes et des peuples autochtones au processus de la CNUED. Enfin, par l'entremise du groupe CANZ, notre apport aux décisions concernant la structure d'Agenda 21 et la présentation de la conférence de Rio a été important. Dans les paragraphes qui suivent, nous passons brièvement en revue les principaux résultats du PrepCom.

CHARTE DE LA TERRE

Ce PrepCom a fourni aux délégations la première occasion de discuter de leurs vues au sujet de la Charte de la Terre, un document envisagé par Maurice Strong en tant que déclaration succincte de principes universels, résumant la pensée mondiale au sujet de l'environnement et du développement. Puisqu'il est maintenant clair que ce sera l'un des deux principaux documents que les leaders signeront à Rio (avec Agenda 21), les discussions au sujet de la Charte de la Terre ont attiré l'attention des observateurs politiques comme un aimant. Le Canada, le Pérou et l'U.R.S.S. ont donné le coup d'envoi en présentant leurs propres ébauches de Charte de la Terre. Le texte du Canada nous a valu de nombreuses louanges pour sa brièveté et son potentiel en tant que fondement du droit environnemental à l'avenir. Cependant, bien d'autres délégués ont présenté des visions concurrentes, particulièrement les pays moins développés qui ont cherché à faire ressortir les principes du développement. À la fin du PrepCom, un résumé de dix-neuf pages de vues sur d'éventuels principes en vue d'une Charte de la Terre a été compilé. Une lourde tâche nous attend au quatrième PrepCom pour réduire cette liste à une ou deux pages accrocheuses d'un point de vue politique.

AGENDA 21

Agenda 21, le Plan d'action pour le XXI^{e} siècle, a également vu le jour lors de ce PrepCom. Conçu comme un plan d'action intégré à l'intention des gouvernements et des organisations internationales, Agenda 21 couvre toutes les principales questions sectorielles du plan d'action de la CNUED. Les Groupes de travail I et II ont mis trois semaines, avec des résultats inégaux, à négocier les ébauches de dix chapitres d'Agenda 21, ébauches préparées par le Secrétariat. Celui-ci révisera ces textes à fond avant le dernier PrepCom en tenant compte des autres suggestions que feront les délégations, et la nouvelle structure d'Agenda 21 sera approuvée lors de ce PrepCom. Le groupe CANZ a mis bien du temps à réviser la

structure d'ensemble d'Agenda 21; il a proposé que des liens avec les questions intersectorielles du financement et du transfert de technologie soient intégrés à chaque chapitre d'Agenda 21. La décision finale concernant la structure d'Agenda 21 exige que soient ajoutés des chapitres distincts pour chacune des questions intersectorielles également. Il semble donc qu'Agenda 21 sera un résumé de décisions d'action par le PrepCom. Il restera beaucoup à faire au PrepCom final pour que la structure d'Agenda 21 soit cohérente.

FORÊTS

Comme aux deux dernières réunion du PrepCom, les forêts étaient au coeur des préoccupations du Groupe de travail I, les délégués ayant convenu que la CNUED sera la principale tribune pour débattre des questions forestières à l'échelle planétaire. Des accords conclus lors du dernier PrepCom en vue d'élaborer une déclaration de principes au sujet des forêts par la Conférence de Rio et pour reporter à plus tard l'étude de la question d'une convention a réduit les tensions qui existaient jusque là à ce sujet entre les pays du G-77 et les délégations occidentales. Des progrès lents mais sûrs ont été accomplis lors de l'étude de la première ébauche d'un texte sur les principes concernant les forêts. L'ébauche canadienne de principes relatifs aux forêts a été largement utilisée comme point de référence par d'autres délégations. Il semble probable que la mise au point d'un ensemble de principes sera complétée lors du quatrième PrepCom. Cependant, le texte d'Agenda 21 au sujet des forêts reste à discuter.

OCÉANS

La question des océans a été caractérisée par différentes coalitions de forces entourant chacun des points du programme d'Agenda 21 à ce sujet. Le Canada s'est montré intéressé surtout par les parties du document qui traitent des ressources marines vivantes; nous avons cherché à promouvoir les intérêts des états côtiers dans la protection de réserves qui chevauchent plus d'un territoire; en ce qui concerne la pollution des mers, nous avons cherché à prendre connaissance des résultats de la rencontre d'Halifax au sujet des sources terrestres de pollution des mers en rédigeant d'autres ébauches de directives à proposer au PNUE. La délégation canadienne a présidé des groupes de contact officieux traitant de ces deux questions, et elle a rédigé une ébauche de ces parties du texte d'Agenda 21. Les parties du texte relatives aux océans qui ont soulevé le plus de polémique ont été celles traitant de l'Antarctique et de la chasse à la baleine. Les participants ont également débattu activement d'autres parties du texte, traitant de la gestion des régions côtières, du changement climatique et de la montée du niveau de la mer ainsi que de questions institutionnelles. Trois semaines de travail ont failli être perdues pendant les dernières vingt-quatre heures par suite de la détérioration de la communication

concernant la manière dont le texte relatif aux océans serait acheminé au quatrième PrepCom. Un accord a finalement été conclu pour que le président du Groupe de travail II fasse parvenir une compilation des propositions de différentes délégations en plus du document original émanant du Secrétariat.

QUESTIONS INSTITUTIONNELLES

Les questions institutionnelles ont été considérées comme l'une des trois principales questions intersectorielles du processus de la CNUED (avec le transfert de technologie et les ressources financières). Malheureusement, la discussion des institutions lors de ce PrepCom a été très préliminaire. La délégation canadienne a fait deux contributions à la discussion en faisant circuler à l'avance un document de travail sur les questions institutionnelles qui fait état des résultats des consultations officieuses de New York et en produisant une matrice de suggestions de réformes institutionnelles qui ressortent des documents du Secrétariat au sujet des questions sectorielles. La délégation canadienne a également reçu les délégations à déjeuner pour leur permettre d'échanger leurs points de vue sur les moyens de renforcer le PNUE. Le Secrétariat élaborera à partir de la matrice canadienne en compilant des idées relatives à la réforme des institutions qui émergent de la discussion concernant les questions environnementales sectorielles des groupes de travail I et II. Il reste à voir, lors du quatrième PrepCom, ce que les délégations désirent réellement voir la CNUED accomplir sur ce point.

TRANSFERT DE TECHNOLOGIE

La question du transfert de technologie s'est mieux engagée, grâce aux négociations relatives à une ébauche de décision proposée par le G-77 et la Chine. Les grandes lignes de l'ébauche du G-77 étaient, entre autres : la nécessité de prévoir la capacité technologique dans les pays moins développés; l'utilisation des banques de données internationales pour assurer que les pays moins développés aient accès à l'information scientifique et technologique; l'achat de lettres patentes avec l'aide publique au développement pour le transfert aux pays moins développés selon des termes non commerciaux; la mise au point de garanties relatives au transfert de technologies non testées, la promotion à long terme de partenariats technologiques sur une base commerciale; la promotion de mesures d'incitation dans les pays en développement pour stimuler le transfert de technologie; l'établissement d'un programme mondial de transfert de technologie par des organismes des Nations Unies; la facilitation du transfert de lettres patentes et de périodes de protection de lettres patentes. Le Japon, les États-Unis et le Canada voyaient des difficultés dans différentes parties de ce texte, particulièrement au sujet du dernier point : la protection des lettres patentes, mais contrairement aux autres questions, les délégations occidentales ont constaté qu'elles pouvaient s'accommoder du texte du G-77 dans ce cas. Une version à parenthèses, combinée à des suggestions d'autres délégations, sera envoyée au quatrième PrepCom pour de plus amples négociations.

RESSOURCES FINANCIÈRES

Le président du PrepCom, Tommy Koh, a demandé au chef de la délégation canadienne, John Bell, de présider des négociations officieuses au sujet de cette question très délicate. La discussion portant sur les ressources financières lors du présent PrepCom tendait à tourner autour des mécanismes de financement et, en particulier, de la question de déterminer s'il devrait y avoir des fonds distincts pour chaque convention et du rôle d'un fonds général qui serait consacré aux questions ne relevant pas des conventions. Les pays occidentaux et ceux du G-77 sont divisés sur la question de savoir si le Fonds pour l'environnement mondial de la Banque mondiale pourrait servir de fonds général et s'il est valable de distinguer, aux fins du financement, entre les problèmes environnementaux à l'échelle locale et à l'échelle mondiale. La question semble tourner autour du degré convenable de contrôle des pays moins développés sur l'administration d'un fonds général et la sorte de problèmes environnementaux que ce fonds servirait à aborder. La Chine et le Brésil ainsi que l'Argentine ont produit leurs propres documents de travail sur ces questions et les pays du G-77 ont déposé une ébauche de décision conjointe. L'Australie a également déposé une décision proposant un plan de discussion. Tous ces textes seront acheminés au quatrième PrepCom avec un résumé de la discussion par le président, résumé que rédigera la délégation canadienne. On prévoit actuellement que les négociations au sujet des ressources financières commenceront dès le début du quatrième PrepCom et qu'elles se poursuivront probablement pendant toute la durée de celui-ci. Le chef de la délégation canadienne sera probablement invité encore une fois à présider des négociations officieuses à ce sujet.

ORGANISATION DU QUATRIÈME PREPCOM

À l'instigation du PrepCom, le président Koh, a adopté en comité plénier une décision concernant l'organisation du quatrième PrepCom. Celui-ci durera cinq semaines, du 2 mars au 3 avril 1992. Il commencera par des négociations relatives aux questions intersectorielles, celles du transfert de technologie et des ressources financières d'abord. Le travail relatif à la Charte de la Terre commencera également dès le début du PrepCom. On ne prévoit aucun débat général, on déconseillera les discours et l'essentiel du travail sera accompli au moyen de négociations officieuses. L'idée d'une période désignée pour la participation des ministres, au début ou à la fin du PrepCom, a été abandonnée.

ORGANISATION DE LA CONFÉRENCE DE RIO

Le PrepCom a également adopté une décision recommandant à l'UNGA 46 un ensemble de règles de procédure pour la conférence finale de RIO. Cette décision recommande que les chefs de gouvernement ou d'État soient présents les deux derniers jours, les 11 et 12 juin, pour participer aux cérémonies de signature de la Charte de la Terre et d'Agenda 21 et des conventions relatives aux changement climatique et à la biodiversité, si elles sont prêtes. Toutes les ONG accréditées au

processus du PrepCom avant la fin du quatrième PrepCom seraient accréditées pour la conférence finale de Rio. Celle-ci aura un comité principal. Un certain nombre de délégations du G-77 se sont opposées à la recommandation que le comité principal puisse établir des sous-comités (pour effectuer des négociations de dernière minute au sujet des questions en suspens), alléguant que cela serait trop exigeant pour les petites délégations. Cette disposition a été approuvée, mais avec une décision complémentaire demandant à l'AGNU 46 de revoir la participation des pays en développement à l'AGNU (c'est-à-dire la considération d'aide financière supplémentaire pour faciliter leur participation). Tous les aspects de cette décision devront être confirmés par l'AGNU 46, cet automne. Bien des questions fondamentales concernant le programme pour les leaders, les deux derniers jours, doivent encore être réglées par le secrétariat de la CNUED et par ses hôtes brésiliens, notamment : combien de documents les leaders signeront et s'il y aura une forme quelconque de « table ronde » pour favoriser la discussion entre eux. La décision finale à ce sujet ne sera probablement pas prise avant le quatrième PrepCom.

PARTICIPATION DES ONG

L'accréditation des ONG s'est faite sans problème lors de ce PrepCom, et la décision d'accréditer toutes les ONG en vue de la conférence finale a éliminé une source majeure d'inquiétude.

Cependant, le glissement qui s'est produit lors du présent PrepCom vers des négociations officieuses entre gouvernements a révélé les limites de la participation effective des ONG à ce processus. Les ONG ont réagi en intensifiant les pressions exercées sur les délégations gouvernementales et, dans certains cas, en rédigeant des ébauches de textes à l'intention des délégations. Les ONG restent très inquiètes de la possibilité d'être empêchées d'observer la plus grande partie des négociations officieuses qui auront lieu au quatrième PrepCom. Le président Koh n'a pas réussi à obtenir un consensus officieux des délégations sur la question de permettre aux présidents d'admettre les ONG dans les négociations officieuses. L'incertitude qui entoure cette question aura un effet préjudiciable sur les relations des délégués avec les ONG tant que la question de la procédure ne sera pas réglée, lors du quatrième PrepCom.

Le degré actuel de participation des ONG à la quatrième réunion du PrepCom est également incertain. Le Canada a conçu l'idée, présentée par l'entremise du CANZ, de consacrer chaque jour de la conférence finale à un secteur différent des ONG (ex. le milieu des affaires, les femmes, la jeunesse, les peuples autochtones); une période de chaque jour serait prévue pour la présentation de déclarations à la conférence principale par des représentants des secteurs désignés. Cette suggestion avait pour but de créer un lien officiel entre les événements parallèles des ONG et

la conférence principale, ce qui aiderait à attirer l'attention des médias de manière constructive sur les événements qui se dérouleront sur les deux plans. L'idée a été bien reçue, mais le CANZ a choisi de ne pas recommander l'adoption officielle de cette proposition avant que les règles de procédure de la conférence finale aient été adoptées par l'AGNU 46.

Les délégués du CANZ, regroupés en coalitions officieuses, ont fait des représentations auprès des déléguées des ONG et des gouvernements dans le but de coparrainer une résolution générale soulignant la nécessiter de prendre en considération les dimensions des questions d'environnement et de développement relatives aux sexes et de donner suite aux conclusions du séminaire parrainé par le Secrétariat de la CNUED, en mai, sous le titre « Les femmes et les enfants d'abord ». Le Canada a également donné suite à une initiative relative aux peuples indigènes, lors du dernier PrepCom, en aidant le représentant du gouvernement des Territoires du Nord-Ouest à réunir un panel officieux pour discuter de l'utilisation des ressources naturelles renouvelables par les Autochtones. Le Canada a inclus des suggestions spécifiques concernant les intérêts des peuples indigènes dans nos suggestions pour les ébauches d'Agenda 21 au sujet des ressources marines vivantes, de la biodiversité et des forêts. Le Canada a coparrainé une résolution présentée par la Norvège conseillant au secrétariat de la CNUED d'intégrer les intérêts des Autochtones dans les prochaines ébauches d'Agenda 21.

CONCLUSION

Dans l'ensemble, le dialogue à l'occasion de la troisième réunion du PrepCom n'a pas tourné autour de l'établissement de partenariats ni du maillage de l'économie avec l'environnement, mais bien de ce qui est perçu comme trois dichotomies : Nord contre Sud, environnement contre développement et problèmes planétaires contre problèmes locaux. Le défi que nous devrons relever lors du prochain PrepCom sera de négocier un ensemble de mesures qui surmonteront ces dichotomies à notre avantage à tous. Si nous devons avoir quelque chance de réussir, les pays qui ont un intérêt majeur dans la CNUED devront entreprendre un processus qui leur permettra d'établir la confiance sur le plan politique, au moyen d'un dialogue direct entre capitales, avant le quatrième PrepCom.

TROISIÈME SÉANCE DU COMITÉ PRÉPARATOIRE DE LA CNUED
RÉSUMÉ DES RAPPORTS FINALS

GROUPE DE TRAVAIL I

PROTECTION DE L'ATMOSPHÈRE

Grâce aux délibérations de la troisième séance du Comité préparatoire (PrepCom), les éléments (points du programme) de la composante Protection de l'atmosphère d'Agenda 21 (Le plan d'action pour le XXI[e] siècle) sont en place. La portée de cette composante a été étendue (ou du moins il est maintenant possible de l'étendre) au-delà du domaine de l'énergie, et presqu'uniquement du changement climatique. Dans l'état actuel des choses, toutefois, les questions atmosphériques et les « solutions » ne sont pas réunies dans une approche intégrée dans les points du programme. Il semble que l'on ne s'arrête pas non plus aux implications des questions atmosphériques et des réponses proposées pour les autres questions relatives à l'environnement et au développement. Il existe une ouverture, une occasion est offerte (avant le 1[er] octobre 1991) de faire savoir au Secrétaire général ce que le Canada aimerait voir dans les points du programme relatifs à la protection de l'atmosphère et comment le Canada voudrait que la question des « liens » soit traitée relativement à ces questions.

FORÊTS

La question des forêts s'est avérée une fois de plus le principal sujet de préoccupation du Groupe de travail I de la CNUED durant le troisième PrepCom, bien qu'il ait suscité beaucoup moins de polémique que lors des PrepComs précédents. Le ton du débat a bénéficié du fait de la confirmation dans la Déclaration au sommet de Londres du consensus obtenu à la fin du deuxième PrepCom, voulant que la CNUED cherche désormais à préparer une déclaration de principe faisant autorité. Il demeure possible que l'on puisse entamer le travail nécessaire à une convention mondiale relative aux forêts après la tenue de la CNUED. Une première lecture d'une ébauche de déclaration de principe a eu lieu avant la fin de ce PrepCom. Il faudra encore, lors du quatrième PrepCom, s'efforcer d'éliminer bien des parenthèses et d'améliorer la structure interne du texte. Le quatrième PrepCom devra également revoir le plan d'action relatif aux forêts que les leaders approuveront à Rio, dans le cadre d'Agenda 21.

DÉSERTIFICATION ET GESTION DES TERRES

1. Gestion des terres

Le débat s'est divisé entre les trois parties dont traite la documentation du Secrétariat, soit les zones fragiles, les démarches intégrées de planification et de gestion et l'agriculture durable et le développement rural (ADDR). Il a été question de ces trois sujets pendant la première semaine de la conférence et la plupart des délégations ont convenu que le travail effectué par le Secrétariat au sujet des zones fragiles était un bon début mais qu'il fallait le détailler bien davantage. La plupart des délégations ont reconnu avec conviction que la démarche intégrée de planification et de gestion et la gestion des terres, ce terme étant défini dans un sens large, constituait une démarche valable, et elles ont félicité le secrétariat au sujet de cet aspect particulier de sa documentation. Malheureusement, le temps n'a pas permis de discuter à fond de l'ADDR et ce sujet n'a pas été abordé au cours des discussions officieuses. Le président du Groupe de travail I a préparé un résumé de la discussion au sujet de ces questions, lequel a été accepté par l'assemblée, tel que présenté.

2. Désertification

La discussion au sujet de la désertification a été reportée en raison du fait que le document n'était disponible qu'en anglais, mais aussi pour permettre de compléter les discussions relatives aux forêts, permettant ainsi aux délégations du G-77 d'assister aux deux séances. Vingt-cinq pays et organisations ont pris la parole à ce sujet, l'Afrique étant le plus largement représentée. Les problèmes clés soulevés au cours des interventions ont été l'importance des liens avec d'autres questions, surtout celles de l'eau douce et de la pauvreté, la nature régionale de la question, la nécessité de mobiliser des ressources suffisantes pour traiter de la désertification et une volonté politique à cet égard.

La discussion a été entravée par la qualité médiocre du document (PC 62) et l'absence de propositions pour Agenda 21. Le PNUE était censée avoir préparé un rapport qui devait contenir des recommandations pour Agenda 21. Ce rapport n'a pas été terminé à temps; une version préliminaire en sera prête pour la rencontre du Comité international de coordination sur la désertification, en septembre. La discussion s'est terminée par la réitération de l'importance de cette question. L'assemblée de New York sera la première occasion pour le Groupe de travail I d'étudier en détail les éléments d'Agenda 21 traitant de questions relatives aux terres.

LA CONSERVATION DE LA DIVERSITÉ BIOLOGIQUE

Les délibérations de la troisième séance ont porté surtout sur trois questions principales : la relation entre la diversité biologique et la biotechnologie et la

question de savoir si ces deux sujets doivent être traités comme un seul; la relation entre l'élaboration de la composante d'Agenda 21 relative à la diversité biologique et le processus de négociation à ce sujet; et les moyens de mise en oeuvre des activités relatives à Agenda 21. Entre autres questions soulevées, mentionnons le droit souverain des états sur leurs ressources biologiques et la nécessité de dédommager les peuples qui ont conservé ou conserveront leurs ressources biologiques et ceux qui les mettent en valeur.

Le document d'Agenda 21 n'a pas été étudié en détail lors de cette séance, ce qu'il faudra faire lors de la quatrième. Les pays devront soumettre leurs commentaires, ajouts et modifications relatifs à cette composante d'Agenda 21 avant le 1er octobre.

GESTION ÉCOLOGIQUEMENT RATIONNELLE DE LA BIOTECHNOLOGIE

Les délibérations lors de cette séance ont compris des discussions au sujet de la nécessité de déterminer des moyens de promouvoir le transfert de technologie et les ressources financières de soutien au développement de la biotechnologie; la question de savoir si ce sujet doit être considéré avec celui de la diversité biologique ou séparément, les pays en développement réclamant qu'ils soient considérés ensemble; et le développement des capacités biotechnologiques dans les pays qui ont des ressources biologiques.

Le document d'Agenda 21 n'a pas été étudié en détail lors de cette séance, ce qu'il faudra faire lors de la quatrième. Les pays devront soumettre leurs commentaires, ajouts et modifications relatifs à cette composante d'Agenda 21 avant le 1er octobre.

GROUPE DE TRAVAIL II

DÉCHETS DANGEREUX

Les principales points de désaccord étaient les mêmes que pour les autres discussions de PrepCom III : la nécessité de déterminer avec précision les ressources financières, technologiques, scientifiques et humaines nécessaires à la mise en oeuvre des activités proposées concernant la gestion des déchets dangereux. La demande constante par un grand nombre de pays en développement d'interdire le transport transfrontière des déchets dangereux est un autre sujet de préoccupation. Ces questions n'ont pas été réglées lors du PrepCom III et devront être abordées lors du PrepCom IV.

La nécessité de maintenir l'option du recyclage est reconnue dans l'ébauche révisée du document d'Agenda 21. L'importance de la Convention de Bâle y est aussi reflétée, de même que celle des accords régionaux tels la Convention de Bamako.

GESTION ÉCOLOGIQUEMENT RATIONNELLE DES DÉCHETS SOLIDES ET AUTRES QUESTIONS RELATIVES AUX EAUX USÉES

Les discussions et les négociations relatives à cette question ont soulevé essentiellement peu de controverse et reflétaient un équilibre raisonnable entre les intérêts des pays en développement et ceux des pays industrialisés. Les pays en développement ont mis l'accent sur leurs préoccupations relatives aux implications sanitaires des problèmes de déchets et d'eaux usées. On a traité de façon adéquate du recyclage et de la réduction de la production de déchets. En raison des limites de temps, il n'a pas été question en détail du point du programme relatif à la couverture de l'extension du service d'élimination des déchets. On constate avec étonnement qu'il a été peu question de modifier les modes de vie et de consommation en tant que composante essentielle de toute stratégie de gestion des déchets; il sera sans doute davantage question de cet aspect du problème lors du PrepCom IV.

GESTION ÉCOLOGIQUEMENT RATIONNELLE DES PRODUITS CHIMIQUES TOXIQUES

La principale question litigieuse, comme dans les autres discussions d'options pour Agenda 21, a été celle d'inclure la nécessité de fournir aux pays en développement des ressources financières nouvelles et additionnelles pour les aider à mettre en oeuvre des actions relatives à des points du programme. Les pays en développement sont préoccupés par le mouvement transfrontière de produits toxiques et de déchets dangereux et par la nécessité de développer la capacité institutionnelle d'évaluer les risques présentés par les produits chimiques et d'en contrôler la circulation illégale. La nécessité de l'application universelle des dispositions des directives de Londres relatives au consentement préalablement éclairé (CPE) est reconnue ainsi que celle d'une coordination internationale de l'évaluation du risque présenté par les produits chimiques.

CIRCULATION ILLÉGALE À L'ÉCHELLE MONDIALE DE PRODUITS ET DE DÉCHETS TOXIQUES ET DANGEREUX

Le débat à ce sujet a été de relativement courte durée, les pays africains continuant d'insister sur l'importance que revêt pour eux cette question dans le sens que toute circulation de ces substances est illégale aux termes de la Convention de Bamako. Il en est résulté l'inclusion à l'Annexe IV du document de la décision traitant de toutes les questions relatives aux déchets, au sujet des produits chimique toxiques, d'un paragraphe demandant aux organisations internationales de collaborer avec les pays en développement (la proposition originale demandait qu'on leur accorde une aide à cet égard) pour renforcer leurs capacités institutionnelles et en matière de

réglementation d'empêcher la circulation illégale de produits et de déchets toxiques. On y trouve également deux options d'action (entre parenthèses carrées) par les gouvernements nationaux dans la prévention de la circulation illégale.

GESTION ÉCOLOGIQUEMENT RATIONNELLE DES DÉCHETS RADIOACTIFS

Le PrepCom III est arrivé à une impasse sur la question des déchets radioactifs. Les pays en développement (et certains pays nordiques) ont réclamé avec force l'adoption de mesures destinées à faire du Code de pratique de l'AIEA un instrument ayant force de loi et se sont prononcés en faveur d'une interdiction ayant force de loi du déversement en mer de déchets à faible radioactivité. D'autres pays, les États-Unis en tête, se sont opposés non seulement à ces propositions, mais à ce que la question soit incluse dans Agenda 21, affirmant qu'elle est abordée dans d'autres tribunes et que la CNUED ne doit pas faire double emploi à cet égard. Aucune solution satisfaisante n'a été trouvée et la question entière est reportée au PrepCom IV.

OCÉANS

Les sujets suivants ont été abordés dans la discussion complexe au sujet des océans : le rôle de la Convention de l'ONU sur le droit de la mer en tant que cadre principal des discussions relatives aux océans; la pollution marine (surtout par des sources terrestres); la conservation et la gestion des ressources marines biologiques, y compris des questions telles que la pêche aux filets dérivants et la chasse à la baleine; la gestion des zones côtières; le développement régional, y compris la création d'un potentiel dans les pays en développement; l'Antarctique; la biodiversité des milieux marins; et les mécanismes institutionnels (notamment les systèmes d'observation pour la surveillance des incertitudes critiques et du changement climatique).

Suite à d'intenses négociations dans les deux premières semaines du PrepCom III et aux longs débats relatifs aux procédures de la dernière semaine, les délégués ont résolu de demander au Secrétariat de la CNUED de préparer une compilation, fondée essentiellement sur deux ébauches de propositions : le texte du président (L.18), qui représente une compilation de vues relatives à tous les chapitres du document, et une soumission de plusieurs délégations (L.24), divisant la partie du document L.18 qui se rapporte aux ressources marines biologiques en sections distinctes traitant respectivement de la haute mer et des questions de juridiction nationale. La nouvelle compilation déterminera quels paragraphes sont tirés du document original du Secrétariat (PC/42/Add.6) et lesquels proviennent des propositions faites par des pays (soit à titre individuel ou en groupe, compte tenu qu'une grande partie de la formulation du document L.18 est fondamentalement inacceptable pour certains pays (au sujet de l'Antarctique ou de la chasse à la baleine, par exemple). Selon l'opinion générale, du bon travail a été accompli

concernant le texte relatif aux océans, et les délégations sont prêtes à entreprendre des négociations lors du PrepCom IV.

EAU DOUCE

Généralement parlant, l'eau douce n'a pas été un sujet controversé lors du PrepCom IV. On s'entendait généralement pour dire que le Plan d'action de Mar del Plata constitue encore une base valable d'actions qu'il faut prendre. Le principal sujet de controverse, d'ailleurs commun à toutes les considérations, était l'inflexibilité des pays en développement qui refusaient d'approuver le programme proposé concernant l'eau douce à moins que les ressources financières, le transfert de technologie et les autres moyens de mise en oeuvre soient précisément exposés.

La version révisée du chapitre d'Agenda 21 relatif à l'eau douce souligne la nécessité de déterminer des mécanismes de mise en oeuvre, de coordination et de financement de toutes les activités, y compris sur le plan international. On reconnaît également la nécessité que les femmes et les peuples autochtones participent à l'élaboration des politiques et à la prise de décisions aux plans local, national, régional et international. Les documents définitifs du PrepCom invitent la Conférence de Dublin à déterminer les options relatives aux mécanises de mise en oeuvre pour qu'on bénéficie, aux derniers stades des préparatifs de la CNUED, des vues exprimées par les experts à Dublin.

GROUPE DE TRAVAIL III :

QUESTIONS JURIDIQUES

La plupart des commentaires portaient sur la modification du document du Secrétariat intitulé « Étude des accords et instruments existants et critères d'évaluation » (*Survey of Existing Agreements and Instruments, and Criteria for Evaluation*) pour en étendre la portée : certains délégués ont suggéré d'y inclure des références, par exemple, aux accords de développement et aux traités de contrôle des armes et de désarmement. Entre autres sujets clés, il a été question du rôle des accords environnementaux dans la promotion du développement durable, de la prévention et du règlement des différends et de l'environnement et la guerre. On s'accordait généralement à dire que la CNUED pourrait utilement mettre l'accent sur les questions juridiques en suspens, mais qu'à l'exception possible de la prévention et du règlement des différends, il faudrait concentrer l'attention sur l'accord relatif aux principes qui seront inclus dans la Charte de la Terre.

INSTITUTIONS

Suite aux discussions du PrepCom II, des délégués ont continué d'avancer des idées concernant la réforme et la revitalisation de l'ONU dans le but de promouvoir les objectifs du développement durable, mais il reste à voir si le Groupe de travail III

est en mesure de prendre des décisions fondamentales au sujet des institutions. Pratiquement toutes les délégations ont souligné la nécessité d'examiner les organismes existants plutôt que d'ajouter de nouvelles institutions importantes au système de l'ONU. Plusieurs pays ont suggéré un rôle de coordination accru pour l'Assemblée générale des Nations Unies (AGNU) et le Conseil économique et social; ils ont réclamé également une coordination améliorée entre organismes. Les pays africains ont demandé que le PNUE élargisse son mandat de manière à englober à la fois l'environnement et le développement; des représentants d'autres régions ont présenté un point de vue opposé, préconisant un champ d'action plus étroit pour le PNUE. Les pays en développement se sont opposés à l'utilisation du Fonds pour l'environnement mondial en tant que mécanisme principal de financement du développement durable. Entre autres sujets, il a été question du rôle des organisations régionales et des organisations non gouvernementales (ONG) dans la mise en oeuvre des résultats de la CNUED et la prévention et le règlement des différends (sujet abordé aussi sous le titre Questions juridiques).

CHARTE DE LA TERRE

Le Groupe de travail III a entrepris la tâche difficile et laborieuse de rédiger une ébauche de la « Charte de la Terre » ou « Déclaration de Rio » lors de la troisième séance du PrepCom. De fait, les réalisations du groupe ont surpassé les attentes d'un grand nombre, bien que la séance de négociation qui présentera de véritables difficultés se déroulera lors du dernier PrepCom, à New York. Une initiative des pays du G-77 en vue d'établir des « directives » pour la rédaction d'un document préliminaire a également été reportée à New York. On s'entendait très généralement pour dire que le document final doit être court, concis, compréhensible, lié de près à Agenda 21 et qu'il doit élaborer à partir des déclarations antérieures (Stockholm, la Charte de la Nature). L'ébauche canadienne d'une Charte de la Terre, document d'une page et demie, continue d'influencer la réflexion de nombreuses délégations et reste un document de base important sinon fondamental.

IV. PLÉNIÈRE

AGENDA 21

L'un des résultats importants du PrepCom III est que, pour la première fois, des délégations ont commencé à discuter du concept, proposé par Maurice Strong, d'Agenda 21 en tant que résultat principal de la CNUED. Des négociations préliminaires ont eu lieu au sujet d'ébauches de chapitres d'Agenda 21 préparées par le Secrétariat de la CNUED. Lors du prochain PrepCom, les délégations remanieront des textes auxquels elles auront contribué davantage. Les gouvernements ont également décidé, lors de ce PrepCom, de donner à Agenda 21 une structure plus opérationnelle, axée sur le développement. Cependant, un certain nombre de questions fondamentales restent à résoudre au sujet d'Agenda 21 avant que celui-ci soit prêt à signer, à Rio de Janeiro.

ORGANISATION DU TRAVAIL ET RÈGLES DE PROCÉDURE PROVISOIRES DE LA CONFÉRENCE

Cette rubrique comprend :

(a) l'organisation des travaux du quatrième Comité préparatoire, à New York;
(b) l'organisation des travaux de la CNUED;
(c) l'ordre du jour provisoire et les règles de procédure de la CNUED.

La question du quatrième PrepCom a été abordée comme le sujet le plus pressant, compte tenu surtout de l'insatisfaction très répandue concernant le progrès accompli à cette séance du PrepCom. On a décidé que le quatrième PrepCom durerait cinq semaines plutôt que quatre, que des assemblées auraient lieu le samedi matin et que la Plénière et le Groupe de travail III tiendraient leurs réunions dès la première semaine.

Par suite de discussions concernant les règles de procédure de la Conférence proprement dite, la 46e Assemblée générale peut examiner la question de la participation des entités non gouvernementales à la CNUED.

RESSOURCES FINANCIÈRES

Après un débat plénier officiel et deux séances officieuses de négociations présidées par le chef de la délégation canadienne, John Bell, le comité plénier du troisième PrepCom a approuvé une décision concernant les procédures relatives aux ressources financières, reportant les véritables négociations au quatrième PrepCom. En cours

de route, toutefois, il y a eu un échange de vues très important entre délégations de pays développés et en développement qui est reflété dans la compilation de vues effectuée par le président qui accompagne la décision. Les principales questions soulevées au cours du débat ont été les besoins de ressources financières des pays en développement pour couvrir le plein montant des coûts marginaux de la mise en oeuvre d'Agenda 21; les implications sur le plan du financement de la division des problèmes de développement durable en questions planétaires et locales; le rôle du Fonds pour l'environnement mondial à l'avenir; des mécanismes nouveaux de financement possibles, y compris deux nouvelles propositions, l'une de la Chine, l'autre de l'Argentine et du Brésil; et la régie pertinente des mécanismes de financement servant à canaliser les ressources financières vers les pays en développement. Alors que les véritables options en matière de ressources financières restent à définir, il est maintenant beaucoup plus clair de quelles questions les délégations veulent traiter à New York. Il est probable que l'on demandera encore au Canada de présider ces négociations officieuses lors du prochain PrepCom.

LA DURABILITÉ, L'ÉCONOMIE INTERNATIONALE, LA COMPTABILITÉ ÉCONOMIQUE-ENVIRONNEMENTALE INTÉGRÉE ET LES INSTRUMENTS ÉCONOMIQUES

Ce sujet comprend les liens entre l'économie et l'environnement ainsi que les mécanismes d'intégration des objectifs environnementaux aux pratiques actuelles dans le commerce et les finances. Le système économique international et les règlements actuels du commerce international ont été mis en question du point de vue du développement et de celui de l'environnement. Des pressions considérables sont clairement exercées pour modifier le mode de fonctionnement de l'économie internationale et le cadre actuel du commerce international, ce qui a des implications pour les institutions concernées, particulièrement le GATT.

TRANSFERT DE TECHNOLOGIE

La discussion au sujet du transfert de technologie (TDT) a fait peu de progrès pendant le PrepCom III. Même si ce sujet était discuté pour la « première » fois, il a été relégué aux trois derniers jours ouvrables du PrepCom; cette situation était défavorable à un véritable dialogue, excluant ainsi la possibilité d'une exploration véritable de ce qui pourrait être fait dans ce domaine essentiel. Les pays du G-77, dans leurs déclarations comme dans leur ébauche de résolution (A/CONF/151/PC/L.46) ont continué d'insister sur le besoin de nouveaux mécanismes pour le transfert de technologies en « termes de concessions et de préférences ». Il y avait également un lien direct avec le besoin de ressources financières. Les pays de l'OCDE se sont concentré fortement sur la création d'un potentiel -- avec plusieurs variations sur le thème développé dans le rapport du

Secrétaire général (PC/53). Pour finir, en partie seulement à cause des contraintes de temps, on n'a pu s'entendre sur une ébauche de décision et le sujet a été entièrement reporté au PrepCom IV, avec une demande au Secrétariat pour qu'il produise des « options d'ébauches » pour Agenda 21. Il faut noter l'exigence que chacun des dix secteurs d'Agenda 21 traite également du TDT; des problèmes et des activités spécifiques relativement au TDT pourraient par conséquent être privilégiés.

PAUVRETÉ ET POPULATION

Les pays en développement ont considéré le sujet de la pauvreté comme la question clé de la conférence en matière de « développement »; ils s'inquiétaient par conséquent qu'elle soit abordée si tard dans le plan et qu'il ne lui soit attribué qu'une seule journée complète, avec plusieurs autres questions regroupées, dont la santé, l'éducation et la population. Les interventions ont porté pour la plupart sur la question de la pauvreté, mais un grand nombre de délégations, dont certaines de pays en développement, ont affirmé qu'il fallait absolument aborder la question de la population pour combattre la pauvreté. Entre autres sujets abordés, mentionnons le rôle des systèmes internationaux de commerce et de finance dans la création et la perpétuation de la pauvreté dans les pays en développement, la nécessité pour les pays développés de réduire leur consommation et de modifier leurs modes de vie, le rôle des femmes et la nécessité de collaborer davantage avec les peuples indigènes et les collectivités locales. La question des systèmes internationaux de commerce et de finance a été soulevée à nouveau et discutée en plus de détails pendant le débat sur l'économie internationale.

SANTÉ ET ENVIRONNEMENT

La question de l'environnement et de la santé a été abordée pendant le PrepCom entre autres questions regroupées, dont l'éducation, la pauvreté et la population. De ces quatre questions, la pauvreté est de loin celle qui a suscité le plus d'interventions. Plusieurs pays développés ont fait référence à la santé dans leurs interventions, notamment la Communauté européenne, les États-Unis et l'Australie. L'OIT, la CISL (Conférence internationale des syndicats libres) et l'OMS ont aussi plaidé fortement pour que l'assemblée accorde plus d'importance à la question de la santé et de l'environnement. L'OMS a présenté les conclusions préliminaires de sa Commission sur l'environnement et la santé, et elle a demandé que ces recommandations soient intégrées au chapitre d'Agenda 21 qui traite de la santé. Les délais pourraient rendre cela difficile puisque le rapport final de la Commission est attendu en novembre alors que la documentation finale pour le prochain PrepCom est attendue d'ici le 1er décembre. La décision A/CONF.151/PC/L.51 est annexée au court résumé du président pour la discussion des quatre sujets; une partie du résumé est consacrée à la santé.

ÉTABLISSEMENTS HUMAINS

La discussion sur les établissements humains était clairement une priorité pour les délégations, une priorité dont l'importance grandit aussi bien dans les pays développés que dans les pays en développement. Le résumé de la discussion par le président est annexé au présent rapport. Le comité plénier a adopté une décision faisant des établissements humains un chapitre distinct d'Agenda 21; il a recommandé aussi que la question soit intégrée aux programmes des secteurs clés, en particulier, sans pour autant s'y limiter, l'atmosphère, la terre, les zones côtières et l'eau douce. Les questions qui sous-tendent ce domaine sont axées sur la nécessité de ne pas oublier les établissements humains ruraux, le rôle du Centre des Nations Unies pour les établissements humains (Habitat) dans la coordination des activités internationales et la nécessité de relier les nombreuses activités au plan local, telles que le Forum mondial des villes et leur environnement, tenu à Toronto en août et le troisième Sommet des grandes villes du monde, tenu à Montréal du 15 au 17 octobre.

ACTIVITÉS DES ONG

Plus de 350 ONG sont maintenant accréditées dans le cadre du processus préparatoire à la CNUED en vertu des critères pré-établis de « compétence et pertinence »; on en attend un plus grand nombre encore d'ici la fin de PrepCom IV. L'accréditation est en vigueur pendant le processus préparatoire seulement, et PrepCom III a abordé la question de l'accréditation des ONG et de l'accès à la Conférence proprement dite. Le comité plénier a adopté une décision voulant que toutes les ONG accréditées pour le processus préparatoire seraient invitées à participer pareillement à la Conférence. Cependant, cette décision pourrait être examinée et débattue lors de la 46e séance de l'AGNU où la question pourrait être abordée de nouveau.

On a enregistré une augmentation importante du nombre d'ONG de pays en développement par rapport au PrepCom II. Un grand nombre d'entre elles avaient reçu du fonds des donateurs dont le Canada a pris l'initiative au PrepCom II de l'aide pour les frais de voyage. Le Secrétariat encourage d'autres pays à contribuer à temps pour le PrepCom IV.

Comme lors du PrepCom II, les ONG ont été très présentes dans les coulisses, faisant des représentations auprès des délégués concernant tous les sujets à l'ordre du jour de la CNUED. Des réunions quotidiennes de compte rendu et d'élaboration de stratégies ont eu lieu. Tout en étant encouragées par l'accès aux assemblées officielles du Comité plénier et des groupes de travail, les ONG se sont dites préoccupées du fait qu'elles ont eu accès à des consultations officieuses de manière

aléatoire et de l'effet que cette situation pourrait avoir sur leur participation au PrepCom IV.

Pendant l'intervalle entre les séances, l'intérêt des ONG restera centré sur ces questions, surtout l'issue du débat de l'AGNU au sujet de la participation à la CNUED et l'impact de celle-ci sur l'accréditation des ONG et leur accès à la Conférence.

PARTICIPATION NON GOUVERNEMENTALE

RÉSUMÉ

Plus de 350 ONG sont maintenant accréditées dans le cadre du processus préparatoire à la CNUED en vertu des critères pré-établis de « compétence et pertinence », et un plus grand nombre encore sont attendues d'ici la fin du PrepCom IV. L'accréditation est en vigueur pendant le processus préparatoire seulement, et PrepCom III a abordé la question de l'accréditation des ONG et de leur accès à la Conférence proprement dite. Le comité plénier a adopté une décision voulant que toutes les ONG accréditées pour le processus préparatoire seraient invitées à participer « pareillement » à la Conférence; cette décision est toutefois sujette à la révision et au débat lors de la 46e séance de l'AGNU où cette question pourrait être abordée de nouveau.

Il y a eu une augmentation importante du nombre des ONG de pays en développement présentes pendant le PrepCom II. Un grand nombre avaient reçu de l'aide pour les déplacements du fonds des donateurs dont le Canada a pris l'initiative au PrepCom II. Le Secrétariat encourage d'autres pays donateurs à contribuer à temps pour le PrepCom IV.

Comme à PrepCom II, les ONG ont été très actives dans les couloirs, faisant des représentations auprès des délégués au sujet de toutes les questions à l'ordre du jour de la CNUED. Des réunions quotidiennes de compte rendu et d'élaboration de stratégies ont eu lieu. Tout en étant encouragées par l'accès aux assemblées formelles du Comité plénier et des groupes de travail, les ONG ont exprimé de l'inquiétude quant au manque de constance dans l'accès qu'elles ont eu à des consultations officieuses et à l'effet que cela pourrait avoir sur leur participation au PrepCom IV.

Pendant la période entre les séances, l'intérêt des ONG continuera d'être centré sur ces questions, en particulier le résultat du débat de l'AGNU sur la participation à la CNUED et l'impact sur l'accréditation des ONG et leur accès à la Conférence.

Documentation

A/CONF.151/PC/L.40 - Décision concernant les femmes en environnement et développement (*Decision on Women in Environment and Development*)

A/CONF.151/PC/L.47	-	Décision concernant la jeunesse en environnement et développement (*Decision on Youth in Environment and Development*)
A/CONF.151/PC/L.48	-	Décision concernant les peuples indigènes et les collectivités locales (*Decision on Indigenous People and Local Communities*)
A/CONF.151/PC/L.42	-	Ordre du jour provisoire, organisation du travail et règles de procédure provisoires de la Conférence (*Provisional Agenda, Organisation of Work and Provisional Rules of Procedure of the Conference*)

ACTIVITÉS CANADIENNES

Cinq places au sein de la délégation canadienne ont été partagées entre huit représentants accrédités d'ONG : l'Association canadienne pour les Nations Unies, l'Association canadienne du droit de l'environnement (qui représente le Réseau canadien de l'environnement), le Conseil canadien pour la coopération internationale, le Third World Resource Centre, le Congrès du travail du Canada, le Groupe des femmes pour le développement de l'éducation et de l'environnement, la Fondation canadienne de la jeunesse et le Conseil national des Autochtones du Canada.

La délégation canadienne trouve toujours que l'intégration de représentants des ONG à la délégation est un moyen précieux d'obtenir l'apport des ONG à notre approche des négociations. Un représentant d'une ONG canadienne qui faisait partie de la délégation officielle a recommandé des façons de rendre cet arrangement plus efficace. Ces recommandations et d'autres dispositions seront examinées avant le PrepCom IV.

Des séances d'instruction ont été données aux ONG par plusieurs groupes de pays (G-77, CANZ, etc.) durant le PrepCom. En outre, les coordonnateurs des groupes de travail de la délégation canadienne tenaient régulièrement des séances d'instruction avec les ONG canadiennes, ce qui était considéré utile, permettant de les tenir au courant des vues des pays concernés. De plus, la délégation canadienne a reçu à déjeuner des petits nombres d'ONG et de délégués afin de créer des occasions d'axer le dialogue sur certaines questions, telles les institutions, les femmes en environnement et le développement et la pauvreté.

Le Canada a coparrainé deux décisions clés préparées par des ONG qui ont été adoptées par le Comité plénier le dernier jour. La première, que les délégués des

ONG canadiennes ont aidé à rédiger, était une décision préparée par l'International Women's Working Group et qui visait à assurer que le rôle des femmes dans le développement durable et la gestion des ressources soit pleinement reconnu et qu'il en soit fait mention dans Agenda 21 (le Plan d'action pour le XXI[e] siècle), la Charte de la Terre et tout autre document que produira la CNUED. La seconde, proposée par la Norvège, reconnaissait le rôle du savoir autochtone traditionnel et des pratiques de gestion des ressources propres aux Autochtones dans la réalisation du développement durable.

ASSISTANCE ET ACCRÉDITATION

Quelque 350 ONG de partout au monde, représentant un éventail de secteurs (environnement, développement, femmes, jeunesse, groupes religieux, peuples indigènes, etc.) sont maintenant accrédités par le Comité préparatoire en fonction des critères de compétence et de pertinence établis auparavant. Parmi les ONG canadiennes ayant reçu l'accréditation, on remarque l'Assemblée des premières nations, l'Association québécoise des organismes de coopération internationale (AQOCI), le Comité de participation du Canada à la CNUED (CPCC), le Conseil canadien pour la coopération internationale, le Congrès du travail du Canada, le Grand conseil des Cris, le Conseil national des Autochtones du Canada, la Conférence circumpolaire inuit, l'Association canadienne pour les Nations Unies, le Western Canada Wilderness Committee et la Whistler Foundation for Sustainable Environment.

Quelque quatre-vingt-dix ONG de pays en développement ont assisté à ce PrepCom (presque trois fois la représentation au PrepCom II). C'était une réponse encourageante à l'invitation lancée par le président Tommy Koh lors du PrepCom II, qui réclamait une meilleure représentation des ONG des pays en développement ainsi que des ONG vouées à l'environnement. La participation accrue est attribuable en grande partie à l'aide financière offerte par l'entremise d'un fonds spécial de dons établi par le Canada lors du PrepCom II pour couvrir les frais de déplacement des ONG de pays en développement. La participation à ce fonds est jusqu'ici limitée : le Canada a contribué 100 000 $, le Danemark 50 000 $ et la Norvège a également débloqué certaines sommes par le moyen de ses contributions au PNUD.

Les ONG ont consacré beaucoup d'attention aux modalités de l'accréditation des ONG et de leur accès à la CNUED, à Rio. Le Secrétariat a sollicité les vues du Comité international de facilitation (CIF) du Centre pour notre avenir à tous et celles du Comité des ONG en consultation avec le Conseil économique et social des Nations Unies concernant la manière d'aborder ces questions. L'un et l'autre groupes ont proposé que toutes les ONG accréditées par le Comité préparatoire soient invitées à la Conférence à titre d'observateurs, reconnaissant que l'accès dépendra de la place disponible et des vues des délégations concernant le rôle des ONG. Le CIF a proposé que les ONG choisissent entre elles les représentants qui auront accès aux délibérations officielles et qui pourraient faire des déclarations au nom des divers secteurs, en tenant compte de la nécessité de maintenir un équilibre Nord/Sud et intersectoriel.

La décision proposée concernant les arrangements préliminaires et les procédures de la Conférence (PC/L.42) recommande que toutes les ONG accréditées d'ici la fin du PrepCom IV reçoivent une invitation à assister à la CNUED, à Rio. Pendant le débat plénier à ce sujet, le dernier jour, la question de l'accréditation des ONG s'est trouvée liée aux préoccupations exprimées par la Tunisie, laquelle voulait que soit

considérée la prise de mesures visant à assurer une « participation adéquate et entière » des pays en développement à la Conférence. Pour finir, le Comité plénier a adopté la décision, mais il a recommandé spécifiquement que la 46e séance de l'AGNU examine la question de la participation à la Conférence. Il y a donc possibilité que la question de la participation des ONG à la CNUED soit ouverte à nouveau lors de l'AGNU.

Les inquiétudes des ONG à ce sujet ont été nourries lors du PrepCom III par une politique inconséquente d'un président de Groupe de travail à l'autre concernant l'accès des ONG à des consultations officieuses par rapport aux séances officielles du PrepCom. Cet inconséquence est un sujet de préoccupation, surtout à la lumière du fait que le président Koh et un grand nombre de délégations ont reconnu que la transparence est essentielle et que les ONG apportent aux délibérations une expérience et une expertise valables qui manqueraient autrement. À l'occasion d'une séance d'information avec les ONG, le dernier jour, Koh a déclaré qu'il ne pouvait pas faire grand-chose pour calmer ces inquiétudes puisqu'il n'y a pas encore consensus entre les délégations concernant l'accès des ONG aux consultations officieuses. Il a indiqué que, dans une effort pour renforcer les communications, le secrétaire général, Maurice Strong, et lui étudient des modalités qui faciliteraient l'échange de vues entre les ONG et les négociateurs lors du PrepCom IV.

Bien qu'un représentant d'ONG ait exprimé son appréciation des efforts continus de Koh pour permettre un accès accru et une meilleure participation des ONG au processus préparatoire à la CNUED, certains ont indiqué que, compte tenu du fait que le PrepCom IV sera d'abord une séance de négociation qui pourrait restreindre encore l'accès des ONG aux assemblées, il se peut qu'ils examinent la situation avant d'arrêter des plans certains d'y assister.

ÉVÉNEMENTS PARALLÈLES DES ONG À RIO

Le Comité international de facilitation et le Forum brésilien des ONG collaborent à la préparation et à la logistique d'une série d'événements des ONG, appelée Forum mondial--Rio 92, qui auront lieu pendant la CNUED : expositions, groupes de discussion, séminaires, etc. Les ONG sont invitées à indiquer dès que possible si elles sont intéressées à y participer.

Pendant la dernière semaine du PrepCom, la délégation canadienne a mis au point au nom du groupe CANZ un document de travail proposant que les événements parallèles des ONG à Rio soient reliés à la Conférence officielle (Pièce jointe I). Ce concept de « jours sectoriels » a pour but donner chaque jour à un groupe de secteur indépendant l'occasion de faire valoir ses activités dans le domaine du développement durable. Ce serait une occasion pour les secteurs de faire apprécier

leurs activités dans le domaine du développement durable aux délégations gouvernementales et, par l'entremise des médias, à un public mondial.

La responsabilité de la mise en oeuvre d'une tel concept reviendrait conjointement au Brésil, au Secrétariat de la CNUED et aux ONG (Comité international de facilitation et Forum brésilien des ONG). La proposition a été bien reçue par le Brésil et le Secrétariat de la CNUED, mais il y avait eu peu de rétroaction des ONG lorsque le PrepCom III s'est terminé. Le document de travail n'a pas été approuvé officiellement à titre de document de décision par le PrepCom; à la lumière du débat sur la participation à la CNUED (voir le rapport ci-dessus au sujet de l'accréditation), le CANZ a choisi de ne pas chercher davantage à faire étudier la proposition formellement avant que les règles de procédure de la Conférence n'aient été établies par l'AGNU 46.

PANEL SUR LE SAVOIR TRADITIONNEL

Un représentant du ministère des Ressources renouvelables du gouvernement des Territoires du Nord-Ouest a organisé un panel de conférenciers de l'Amérique du Nord et du Sud, de la Norvège et de l'Asie du Sud-est afin de décrire des expériences autochtones et le rôle du savoir autochtone traditionnel et de la gestion des ressources renouvelables par les Autochtones dans la réalisation du développement durable. Ce panel avait pour but de cibler les délégués gouvernementaux en vue de les encourager à intégrer à Agenda 21 des références à ce genre de connaissances. Cette stratégie avait été appuyée par les organisations autochtones du Canada avant le PrepCom III, et elle était particulièrement pertinente à la lumière des remarques du secrétaire général Strong, disant qu'il souhaitait un apport plus important des peuples autochtones au processus préparatoire, tel que recommandé dans la résolution du PrepCom II à ce sujet. Un grand nombre de personnes ont assisté à la présentation. On prévoit poursuivre en ce sens lors du PrepCom IV pour mener à des événements parallèles par les Autochtones, à Rio.

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PREPARATORY COMMITTEE FOR THE UNITED NATIONS
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Third session
Geneva, 12 August-4 September 1991
Item 2 (c) of the provisional agenda

PREPARATIONS FOR THE UNITED NATIONS CONFERENCE ON ENVIRONMENT AND DEVELOPMENT ON THE BASIS OF GENERAL ASSEMBLY RESOLUTION 44/228 AND TAKING INTO ACCOUNT OTHER RELEVANT GENERAL ASSEMBLY RESOLUTIONS

CROSS-SECTORAL ISSUES

Canada, Finland, Germany, Ghana*, Japan, Netherlands**, New Zealand, Norway, Sweden, United States of America: draft decision

Women in environment and development

The Preparatory Committee recalling General Assembly resolution 44/228 calls inter alia for the development of human resources, particularly in developing countries for the protection and enhancement of the environment, noting that the gender dimension is important in implementing this resolution and its decisions 1/24 (Guidelines for national reports), 1/25 (Environment and Development), 1/28 and 2/6 (Cross-sectoral issues) and taking due account of the recommendations on development in the Nairobi Forward-looking Strategies for the Advancement of Women as they relate to the work of the

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* On behalf of the States Members of the United Nations that are members of the Group of 77.

** On behalf of the States Members of the United Nations that are members of the European Community.

United Nations Conference on Environment and Development, which state inter alia that national and international emphasis on ecosystem management and the control of environmental degradation should be strengthened and women should be recognized as active and equal participants in this process, requests the Secretary-General to undertake the following activities in collaboration with the relevant organizations and bodies of the United Nations system, Governments, intergovernmental and non-governmental organizations.

(a) To ensure that key elements relating to women's critical economic, social and environmental contributions to sustainable development be addressed at the United Nations Conference on Environment and Development as a distinct cross-cutting issue in addition to being mainstreamed in all the substantive work and documentation, particularly Agenda 21, the Earth Charter and the Conventions.

(b) To establish mechanisms:

(i) To include a global goal in Agenda 21 promoting the effective participation of women in knowledge generation, decision-making and management at local, national, regional and international levels;

(ii) To recommend specific actions needed in each of the sectoral and cross-sectoral areas of Agenda 21 to ensure that progress towards sustainable development incorporate measures which will have beneficial impacts on women;

(iii) To identify human and material resources and infrastructural support needed from international, regional and national agencies, to promote women's participation in UNCED activities at all levels and in each sector.

(c) To ensure that recommendations from relevant meetings undertaken by non-governmental and intergovernmental organizations and Governments such as the UNCED/UNICEF/UNFPA symposium "Women and Children First"; the United Nations Commission on the Status of Women; the NGO World Women's Congress for a Healthy Planet and the UNEP/SWAG coordinated Global Assembly of Women, be made available to the Preparatory Committee and reflected in Agenda 21.

19 August 1991

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PREPARATIONS FOR THE UNITED NATIONS CONFERENCE ON ENVIRONMENT AND DEVELOPMENT ON THE BASIS OF GENERAL ASSEMBLY RESOLUTION 44/228 AND TAKING INTO ACCOUNT OTHER RELEVANT GENERAL ASSEMBLY RESOLUTIONS

CROSS-SECTORAL ISSUES

Ghana*: draft decision

Youth in environment and development

The Preparatory Committee,

Recalling the United Nations General Assembly resolution 44/228 as well as decision 1/25 on environment and development and decisions 1/28 and 2/6 on cross-sectoral issues.

Recalling also the vital role that youth can and should play in the protection of the environment and the promotion of economic and social development.

* On behalf of the States Members of the United Nations that are members of the Group of 77.

GE.91-72445/7259a

1. Decides to include a global goal in Agenda 21, as well as in the Rio de Janeiro declaration on environment and development, the promotion of the effective participation of youth in the field of environment and development;

2. Invites the Secretary-General to present to the Preparatory Committee at its fourth session concrete recommendations and specific actions needed in each of the sectoral and cross-sectoral areas of Agenda 21 to ensure the effective participation of youth towards the integration of environment and development. In this context special attention should be given to the needs of the youth in developing countries.

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PREPARATIONS FOR THE UNITED NATIONS CONFERENCE ON ENVIRONMENT AND DEVELOPMENT ON THE BASIS OF GENERAL ASSEMBLY RESOLUTION 44/228 AND TAKING INTO ACCOUNT OTHER RELEVANT GENERAL ASSEMBLY RESOLUTIONS

CROSS-SECTORAL ISSUES

Australia, Bolivia, Canada, Colombia, Denmark, Ecuador, Finland, Iceland, Mexico, New Zealand, Nicaragua, Norway, Peru, Philippines, Solomon Islands, Sweden, United Republic of Tanzania and Venezuela: draft decision

Indigenous people and local communities

The Preparatory Committee for the United Nations Conference on Environment and Development,

Recalling its decision 2/7 of 5 April 1991,

Recognizing the important contribution being made by organizations of indigenous people and local communities to the preparations for the United Nations Conference on Environment and Development,

1. Decides to incorporate, inter alia, the following elements for the consideration of the Preparatory Committee at its fourth session in the further elaboration of Agenda 21:

(a) Recognizing the traditional knowledge and resource management practices of indigenous people and local communities as contributions to environmentally sound and sustainable development;

(b) Recognizing that traditional and direct dependence on renewable resources and ecosystems, including sustainable subsistence harvesting, continues to be essential to the cultural, social, economic and physical well-being of indigenous people and local communities;

(c) Recognizing the need to protect the habitats of indigenous people and local communities from environmentally unsound development projects and from inappropriate integration processes;

(d) Strengthening the viability and sustainability of traditional management practices in the context of environmentally sound development, including by means of collaboration between Governments and the people and communities concerned;

(e) Supporting capacity building for indigenous people and local communities based on the adaptation and exchange of traditional experience, knowledge and resources management practices within and between regions;

(f) Supporting their development of alternative, environmentally sound means of production, to ensure the improvement of their quality of life so that they can participate in sustainable development;

(g) Mobilizing international technical and financial cooperation for the self-development of these people and communities, as a first step by means of the opportunity provided by the International Year for the World's Indigenous People;

2. Invites the Chairman of the Working Group on Indigenous Populations to contribute to the work of the secretariat, and to participate in the further deliberations on this topic by the Preparatory Committee and the Conference.

AGENDA 21

RÉSUMÉ

Un des résultats significatifs du PrepCom III est que des délégations ont commencé, pour la première fois, à discuter du concept d'Agenda 21, le Plan d'action pour le XXI[e] siècle, proposé par Maurice Strong en tant que résultat principal de la CNUED. Des négociations préliminaires ont eu lieu au sujet des ébauches de chapitres d'Agenda 21 préparées par le Secrétariat de la CNUED. Lors du prochain PrepCom, les délégations remanieront des textes auxquels ils ont contribué davantage. Les gouvernements ont également pris la décision lors de ce PrepCom de donner à Agenda 21 une structure plus opérationnelle et plus axée sur le développement. Cependant, un certain nombre de questions fondamentales restent à résoudre au sujet d'Agenda 21 avant qu'il soit prêt à signer, à Rio de Janeiro.

Documentation

A/CONF.151/PC/42	-	Document de travail et ordre du jour avec dix documents d'ajout relatifs à dix questions sectorielles d'Agenda 21 (*Discussion Document, and draft Agenda and ten Agenda 21 documents on ten sectoral issues*)
A/CONF.151/PC/L.49	-	Document de décision relatif à la Structure et à l'organisation d'Agenda 21 (*Decision Document on Structure and Organisation of Agenda 21*)

ANTÉCÉDENTS

Le concept de Maurice Strong est qu'Agenda 21 doit être un plan d'action intégré permettant aux gouvernements et aux organisations internationales de traiter de questions sectorielles particulières faisant partie du programme de la CNUED. Les trois caractéristiques principales d'Agenda 21 sont les suivantes :

- les objectifs en seront négociés, mais les moyens de les atteindre seront volontaires

- il soulignera les liens entre différents genres d'activités humaines et leur impact sur le développement durable

- il intégrera l'environnement et le développement autant que possible dans la définition des objectifs de la CNUED et de les atteindre.

Les vues de M. Strong concernant la structure d'Agenda 21 sont exposées dans le document de travail de survol préparé par le PrepCom III. Il comprendrait un certain nombre d'éléments ou chapitres -- au moins un pour chacune des dix questions sectorielles abordées par les Groupes de travail I et II. Dans chacun de ces chapitres seraient déterminés un certain nombre de points du programme pour lesquels seraient établis la raison d'être et le « fondement de l'action », des objectifs quantifiables et des activités spécifiques qui permettraient aux gouvernements d'atteindre ces objectifs.

Le Secrétariat de la CNUED pourrait alors, au moyen d'une base de données informatiques, établir des renvois des objectifs aux activités convenus dans Agenda 21, en les classant dans des catégories telles que les secteurs économiques affectés (ex. agriculture, industrie, transport), les institutions primaires qui coordonnent ces activités, les éléments du public les plus directement en cause (ex. femmes, jeunesse, syndicats, peuples autochtones) et par région ou sous-région, surtout dans des écosystèmes fragiles (ex. forêts tropicales, zones arides, régions montagneuses). Cette méthode pourrait révéler des liens, positifs et négatifs, entre différentes activités entreprises par des gouvernements et par le public dans l'optique du développement durable.

Finalement, pour mesurer le succès ou l'échec d'Agenda 21, un ensemble d'objectifs à l'échelle mondiale s'appliqueraient à tous les points du programme, tels l'éradication de la pauvreté, la sécurité sur le plan alimentaire, la revitalisation économique des pays en développement, l'arrêt de la destruction des ressources naturelles renouvelables, la protection du bien commun planétaire. M. Strong a proposé dix objectifs de cet ordre dans son survol d'Agenda 21, et le Secrétariat a déposé dix documents d'options relatives à Agenda 21, soumis à l'examen des Groupes de travail I et II.

DISCUSSION AU PREPCOM

Malheureusement, l'approche complexe et visionnaire d'Agenda 21 par M. Strong n'a jamais été explorée adéquatement lors du présent PrepCom. Ni les objectifs planétaires de M. Strong, ni les liens entre les points du programme n'ont été discutés. Ceci est attribuable en grande partie au fait qu'un débat général au sujet d'Agenda 21 n'a pas été prévu dès le début du PrepCom. Les délégations ont apporté leurs propres notions nébuleuses de ce que devait être Agenda 21, et elles ont dû entreprendre la négociation avec chacun des Groupes de travail en se fondant sur les ébauches sectorielles d'Agenda 21 fournies par le Secrétariat.

Il en est résulté inconséquence et confusion. Dans certains cas, tels ceux de l'eau douce et des déchets, les délégations ont négocié le texte du Secrétariat ligne par ligne. Dans d'autres cas, tels celui des océans, les délégations ont proposé leurs propres points du programme pour Agenda 21. Dans d'autres cas encore, tels ceux des forêts et de la biodiversité, le Groupe de travail n'est même pas arrivé à négocier l'ébauche d'Agenda 21 et les délégations ont été invitées à soumettre au Secrétariat des observations écrites concernant les points du programme en vue du PrepCom IV.

Néanmoins, les délégations ont quitté le PrepCom convaincues de la nécessité de traiter d'Agenda 21 et déterminées à faire leur marque sur les points du programme qui seront négociés au PrepCom IV.

Malgré la confusion dans les débats du Groupe de travail, des négociations très intensives de la structure d'ensemble d'Agenda 21 ont toutefois eu lieu durant la dernière semaine du Comité plénier. Le débat a été déclenché par une ébauche de décision du G-77 et une proposition ultérieure du CANZ sur le même sujet. L'ébauche du G-77 devait avait pour but d'attirer l'attention davantage sur le développement dans les chapitres d'Agenda 21 et devait identifier les moyens de mettre en oeuvre les activités convenues en assurant des ressources financières, le transfert de technologie, la mise en valeur des ressources humaines et l'établissement d'un potentiel institutionnel. Leur texte demandait aussi une différenciation claire entre pays développés et pays en développement dans les attentes relatives à l'action dans le cadre d'Agenda 21. La proposition du CANZ devait assurer que chaque question intersectorielle corresponde également à un chapitre explicite dans Agenda 21. Cet objectif du CANZ a été proposé pour faciliter la négociation d'un seul ensemble pour Agenda 21 et d'éviter de séparer les questions du transfert de technologie et des ressources financières, qui sont du plus grand intérêt pour les pays du G-77, des questions sectorielles telles les forêts et les océans qui sont nos plus grandes priorités à nous. Après deux séances de négociations intensives sous la présidence de Tommy Koh, un texte qui rencontre à la fois les objectifs du G-77 et ceux du CANZ a été approuvé.

RÉSULTATS ET ÉVALUATION

La structure convenue d'Agenda 21 exige maintenant que chaque chapitre identifie trois catégories d'activités : les politiques et les actions relatives à la gestion, la collecte des données et la collaboration régionale et internationale. Chacune des questions intersectorielles correspondra également à son propre chapitre pour Agenda 21. Il reste à voir comment les questions de politiques intersectorielles pourront être insérées dans cette structure. Finalement, la structure convenue d'Agenda 21 fournit au Secrétariat un cadre lui permettant d'établir les coûts relatifs aux points du programme dans le cadre d'Agenda 21, une obligation dictée au Secrétariat par la résolution 44/228 de l'AGNU.

Bien que nous ayons accompli des progrès importants dans la définition d'Agenda 21, des lacunes importantes demeurent. La première concerne l'établissement des priorités. Agenda 21 reste un exercice de la base au sommet, que l'ébauche soit rédigée par le Secrétariat ou par les délégations dans les Groupes de travail du PrepCom. Chaque chapitre est élaboré dans l'isolement et les points du programme sont proposés en se fondant sur des notions généralisées d'objectifs désirables et d'activités recommandées. L'absence d'établissement des priorités inhérente à cette approche deviendra plus apparente lorsque le Secrétariat tentera de prévoir les coûts de chaque point du programme.

Avant d'établir la version définitive d'Agenda 21, il faut adopter une approche du sommet vers la base par laquelle les délégations établiront leurs principales priorités, leurs objectifs quantifiables minimaux et les activités cruciales qui donneront le plus de prise sur différents points du programme (des programmes de reboisement, par exemple, permettant d'absorber le CO^2, de mettre fin à l'érosion, ralentir la désertification, enrayer les crues et fournir du bois de chauffage).

Deuxièmement, nous aurons besoin d'un équivalent des objectifs planétaires de M. Strong si on veut que les priorités établies pour chaque chapitre d'Agenda 21 soient cohérentes. La Charte de la Terre devrait servir de guide, mais elle consistera en des principes universels plutôt que des objectifs planétaires. Dans le cadre du processus actuel, il n'est pas clair comment ou quand de tels objectifs pourraient être négociés. Cette tâche sera peut-être laissée jusqu'à la fin, aux leaders, lors de la CNUED proprement dite.

Troisièmement, Agenda 21 nécessitera un mécanisme d'examen et un certain encadrement institutionnel. Par le passé, M. Strong a parlé d'assigner cette tâche au bureau du directeur général de l'ONU. La question n'a pas été soulevée lors du présent PrepCom, mais elle a été signalée dans un document de travail distribué par la CE suggérant qu'un organisme établi de niveau supérieur, se réunissant au niveau ministériel, agisse à titre de conseiller en matière de politiques relatives à la mise en oeuvre de l'Agenda 21. La CE a également lié cette idée à celle de remettre sur pied une commission de coordination environnementale à la grandeur des Nations Unies, afin de surveiller le progrès accompli au sein du système de l'ONU dans la mise en oeuvre d'Agenda 21. Ces idées sont très semblables aux vues canadiennes au sujet des questions institutionnelles; elles devront être abordées par le Groupe de travail III lors du PrepCom IV.

Quatrièmement, le PrepCom doit trouver un niveau de détail approprié pour Agenda 21. Les délégués du Groupe de travail II se sont complètement enlisés lorsqu'ils ont tenté de négocier les ébauches du Secrétariat au sujet de l'eau douce et des déchets ligne par ligne. Compte tenu du niveau de détail contenu dans les ébauches sectorielles, il vaut mieux laisser cette tâche à des équipes de travail techniques plutôt qu'à des tribunes politiques telles le PrepCom de la CNUED.

Malheureusement, contrairement à la préférence clairement exprimée par les délégations lors du présent PrepCom, cela signifierait la cession d'une autorité encore plus grande au Secrétariat. L'alternative est de réduire le nombre de points du programme et de décrire les objectifs et les activités en termes plus généraux et plus politiques.

Finalement, le degré d'engagement politique que sous-entend la signature d'Agenda 21 par les leaders, à Rio de Janeiro, n'est pas clair. S'agira-t-il d'une liste d'objectifs et d'activités à titre indicatif ou d'une série d'engagements internationaux que les gouvernements seront tenus de respecter, dans leur propre pays comme sur le plan international ? La plupart des délégations penchent vers la première définition, mais dans la vision de M. Strong, il s'agit plutôt de l'autre. Pour finir, les gouvernements détermineront probablement leur niveau d'engagement à titre individuel par les actions qu'il prendront dans leurs pays pour la mise en oeuvre d'Agenda 21.

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PREPARATORY COMMITTEE FOR THE UNITED NATIONS
CONFERENCE ON ENVIRONMENT AND DEVELOPMENT
Third session
Geneva, 12 August - 4 September 1991
Agenda item 2 (a)

PREPARATIONS FOR THE UNITED NATIONS CONFERENCE ON ENVIRONMENT AND DEVELOPMENT ON THE BASIS OF GENERAL ASSEMBLY RESOLUTION 44/228 AND TAKING INTO ACCOUNT OTHER RELEVANT GENERAL ASSEMBLY RESOLUTIONS

ACTIVITIES OF THE CONFERENCE SECRETARIAT

Draft decision proposed by the Chairman on the basis of informal consultations held on A/CONF.151/PC/L.39/Rev.1

Structure and organization of Agenda 21

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* Re-issued for technical reasons.

GE.91-72564/7320a

The Preparatory Committee of the United Nations Conference on Environment and Development, notes with appreciation the proposals of the Secretary-General of the Conference 1/ and decides:

1. That Agenda 21 shall be a wide-ranging instrument containing objectives, activities and means of implementation for specific action proposals;

2. To request the Secretary-General of the Conference to integrate fully development considerations and needs and realities, in particular of the developing countries, in all Agenda 21 programme documents, taking into account the close relationship between development and the environment. In accordance with its decision 1/25, this should include, where appropriate, at least the following:

(a) Poverty, economic growth and environment;

(b) Demographic pressures and unsustainable consumption patterns and environment;

(c) International trade and environment;

(d) Structural adjustment and environment;

(e) Commodities and environment;

(f) External indebtedness, resource flows and environment;

(g) Large industrial enterprises, including transnational corporations; business practices and environment;

3. That Agenda 21, and each of its programme documents, to be adopted at the Conference in 1992, should fully take into account the following elements:

(a) Identification of ways and means to provide new and additional financial resources, particularly to developing countries, in accordance with paragraph 15 (j) of General Assembly resolution 44/228;

(b) Action-oriented proposals for effective modalities for favourable access to and transfer of environmentally sound technology, in particular, to developing countries including on concessional and preferential terms as well as for the development of the endogenous capacities of developing countries;

(c) Differentiation of actions to be taken by developed countries and those to be taken by developing countries, keeping in mind that the

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1/ A/CONF/151/PC/42.

responsibility for containing, reducing and eliminating global environmental damage must be borne by the countries causing such damage, must be in relation to the damage caused and must be in accordance with their respective capabilities and responsibilities;

(d) Identification of responsibilities for actions to be performed by international and regional organizations;

(e) Full recognition of the specificities and realities of the developing countries including their social, economic and developmental needs;

4. That the structure of Agenda 21 be:

[Earth Charter/Rio de Janeiro Declaration - separable]

[Overview of goals and implementation mechanisms]

A. Sectoral issues

Each sectoral issue/programme area, as defined by and considered under the Preparatory Committee's agenda, will be a separate chapter and should as far as practicable follow the following pattern:

(a) Basis for actions;

(b) Objectives;

(c) Activities:

(i) Management-related (for example, policy and planning framework, and national programmes, etc.);

(ii) Data and information;

(iii) International and Regional Cooperation and Coordination;

(d) Means of implementation:

(i) Financing and Cost Evaluation;

(ii) Scientific and Technological Means;

(iii) Human Resource Development;

(iv) Capacity Building of Developing Countries for Preventive and Corrective Action in the Field of Environment Protection and Promotion of Development.

B. Cross-sectoral issues

There will be separate chapters on each cross-sectoral issue, as defined by and considered under the Preparatory Committee's agenda.

Where appropriate these chapters will also consolidate, and draw conclusions from relevant sections of the sectoral papers.

The basic elements of each chapter will be:

(a) Basis for action;

(b) Objectives;

(c) Activities;

(d) Means of implementation.

PROGRAMME PROVISOIRE ET ORGANISATION DE PREPCOM IV ET RÈGLES DE PROCÉDURE PROVISOIRES DE LA CNUED

RÉSUMÉ

Cette rubrique comprend :

(a) l'organisation des travaux du quatrième Comité préparatoire, à New York;
(b) l'organisation des travaux de la CNUED;
(c) le programme provisoire et les règles de procédure de la CNUED.

Le quatrième PrepCom a été traité comme le sujet le plus urgent, compte tenu surtout du mécontentement très répandu concernant le progrès accompli à la présente du PrepCom. On a décidé que le quatrième PrepCom durerait cinq semaines plutôt que quatre, que des assemblées auraient lieu le samedi matin et que la Plénière et le Groupe de travail III tiendraient leurs réunions dès la première semaine.

Par suite de discussions concernant les règles de procédure de la Conférence proprement dite, la 46e Assemblée générale pourrait examiner la question de la participation des entités non gouvernementales à la CNUED.

Le CANZ a présenté l'initiative canadienne relative aux « jours sectoriels » à la CNUED. Cette idée, qui consiste à attribuer chaque journée de la Conférence à un groupe spécifique, a reçu un accueil favorable.

Documentation

A/CONF.151/PC/56	- Ordre du jour provisoire, organisation du travail et projet de règles de procédure de la Conférence (*Draft provisional agenda, organization of work and draft rules of procedure of the Conference*)
A/CONF.151/PC/95	- Ordre du jour provisoire de la quatrième séance (*Provisional Agenda for the fourth session*)
	- Intervention du CANZ (*CANZ Intervention*)

- Document de travail du Canada au sujet des jours sectoriels (*Canadian Discussion Paper on Sector Days*)

A/CONF.151/PC/L.52 - Dispositions relatives aux prochaines séances du Comité plénier (*Arrangements for future sessions on the Plenary Committee*)

A/CONF.151/PC/L.42 et Corr.1 - Structure et organisation d'Agenda 21 (Plan d'action pour le XXI[e] siècle) : Rapport du secrétaire général (*Structure and organization of Agenda 21: Report of the Secretary General*)

DISCUSSION CONCERNANT LE PREPCOM

Les principaux objectifs du Canada sont les suivants :

- la participation à la CNUED des entités autres que les délégations nationales, notamment les organisations non gouvernementales, les organisations régionales et les représentants des provinces;

- l'initiative canadienne relative aux « jours sectoriels » à la CNUED, et notre intérêt à ce que le Brésil, à titre d'hôte, et les autres délégations acceptent ce concept, constitue un élément important de notre stratégie pour assurer une vaste participation du public à la CNUED.

La séance a commencé par les déclarations de Maurice Strong, du Brésil et du président de l'organisation de la Conférence. Le gouvernement brésilien s'attend à ce que les délégués officiels commencent à arriver pendant le dernier week-end de mai pour les dernières consultations pré-Conférence. La Conférence commencera le 1[er] juin 1992, le matin du premier jour étant consacré à des questions organisationnelles. Suivra le débat général qui se poursuivra pendant trois jours. Il y aura une pause le 5 juin 1992 (vingtième anniversaire de l'ouverture de la Conférence de Stockholm et Journée mondiale de l'environnement). Le débat général reprendra le 8 juin 1992 pour se terminer le 10 juin 1992 (soit quarante heures de débat général). Rien de précis n'a été dit au sujet d'un éventuel programme pour les chefs d'État et de gouvernement, bien que le Brésil ait fait savoir qu'il continuait d'examiner la possibilité d'un événement spécial. Les Brésiliens ont accueilli favorablement la participation d'institutions non gouvernementales et intergouvernementales à la CNUED.

Un exposé plus élaboré au sujet de la logistique et de l'organisation à l'intention des participants officiels et des représentants des ONG a été fait par la suite; des notes concernant cet exposé sont jointes à l'annexe 1.

L'intervention du CANZ a présenté l'initiative canadienne relative à des « jours sectoriels » et un document de travail produit par le Canada a été distribué. Nous avions remis d'avance au Brésil un exemplaire de ce document auquel il a répondu très favorablement. Le chef de la délégation brésilienne a fait savoir que le document avait été envoyé par télécopieur au ministère des Affaires étrangères.

Le débat général s'est concentré sur la quatrième séance du PrepCom. La plupart des délégations se sont ralliées au point de vue exprimé par la Colombie voulant qu'avant d'aborder le sujet de la Conférence proprement dite, il fallait se pencher sur la quatrième séance du PrepCom car l'organisation de la séance en cours laissait à désirer. Le président s'est rallié à ce point de vue; il a remis un document contenant des suggestions et des questions relatives à la prochaine séance.

La Colombie a fait un certain nombre de suggestions, notamment de commencer la séance plénière en même temps que les Groupes de travail; sauf au début et à la fin de la séance, le Comité plénier ne tiendrait que des réunions officieuses pour traiter plus efficacement d'Agenda 21 et des questions intersectorielles. Le document du président proposait également qu'on ait recours principalement à une forme de consultation officieuse comprenant des assemblées plénières pendant toute la durée de la séance, les Groupes de travail I et II commençant leurs travaux la deuxième semaine et le Groupe de travail III la première semaine; le président se propose de demander à l'Assemblée générale l'autorité de tenir six réunions par jour. Ses dernières suggestions se rapportaient à la documentation; la distribution par le Secrétariat aurait lieu six semaines avant le début de la séance et des limites seraient imposées à la soumission et au traitement des documents pendant la séance.

RÉSULTATS ET ÉVALUATION

Suite à la discussion officielle de cette question, le président a soumis ses propositions, contenues dans le document A/CONF.151/PC/L.52 (Dispositions relatives aux prochaines séances du Comité plénier) ainsi que PC/95 (Ordre du jour provisoire de la quatrième séance) et A/CONF.151/PC/L.42 et corr.1 (traitant à la fois de l'ordre du jour provisoire, de l'organisation des travaux et des règles de procédure provisoires de la Conférence) soumis au Comité plénier pour étude.

A. Organisation de la Conférence (L.42)

La discussion relative au paragraphe 4(b) du document L.42 a amené le président à demander à six délégations (Brésil, Mauritanie, Arabie Saoudite, Tunisie, Colombie et Uruguay) de tenir une consultation privée pour résoudre le désaccord suscité par le nombre d'organismes subsidiaires que le Comité principal de la Conférence serait autorisé à créer. Le président leur a demandé de se pencher sur la possibilité que le PrepCom prenne une décision, contrairement à la proposition de la Tunisie, pour éviter de soumettre la question à l'Assemblée générale (AGNU 46) pour discussion et décision. Le désaccord est attribuable à l'inquiétude exprimée que, sans limites à l'établissement d'organismes subsidiaires à la CNUED, ceux-ci prolifèreraient au-delà des moyens d'un grand nombre de délégations, empêchant ainsi la pleine participation de certains pays en développement.

Le résultat de ces consultations est que les document L.42 et Corr.1 ont été adoptés ensemble, avec une troisième décision (non numérotée) demandant à l'AGNU 46 d'examiner la question de la « participation adéquate et entière des pays en développement à la CNUED et d'examiner la question de la participation à la Conférence et à ses organes subsidiaires ». Le libellé de la décision fait plus qu'aborder les préoccupations des délégations en cause voulant que soit englobée la question de qui pourra participer à la CNUED, ce qui peut viser la participation des organisations non gouvernementales à la CNUED en vue d'établir des mesures restrictives.

Le Canada s'est engagé tôt à une participation vaste des organisations non gouvernementales à la CNUED, et ces efforts ont jusqu'ici porté fruit. Il faudra poursuivre la discussion en AGNU si la question est soulevée.

B. Organisation du quatrième PrepCom

L'adoption du document L.52 reflète le niveau de frustration suscité par la troisième séance du PrepCom qui a entraîné un pessimisme grandissant au sujet des réalisations possibles de la CNUED, à la lumière du rythme lent des travaux et du niveau souvent élevé de dissension lors de ce PrepCom. Les préoccupations tournent autour des programmes de travail du Groupe de travail III, concernant surtout l'édification de la Charte de la Terre, et du Comité plénier, c'est-à-dire les questions intersectorielles.

Ces vues sont évidemment partagées par le président et le Secrétariat, et l'organisation modifiée devrait contribuer à un progrès plus rapide lors de la prochaine séance.

ANNEXE 1

au

RAPPORT FINAL AU SUJET DE L'ORGANISATION DE LA CONFÉRENCE

Présentation du Brésil
Organisation de la Conférence

Porte-parole : Carlos Garcia, GTN
Chip Lindner, Centre pour notre avenir à tous
Tony Gross, Forum brésilien

M. Garcia a passé en revue les dispositions logistiques relatives à la partie officielle de la Conférence et aux chefs d'État et de gouvernement. Le nom d'une personne de chaque délégation qui pourra être contactée au sujet de l'hébergement est requis dès que possible. Ils veulent également établir le calendrier des équipes de préparation à l'arrivée des chefs d'État; il les attendent en février et mars; cinq équipes seront prêtes pour des visites de trois jours. Finalement, ils prévoient de prendre des dispositions pour réunir les experts scientifiques et techniques des délégations nationales et leurs homologues brésiliens; ils voudraient donc les noms de tous les scientifiques qui se rendront à Rio pour la Conférence.

M. Garcia a mentionné brièvement l'organisation d'autres événements officiels : une rencontre à Rio, en octobre 1991, au sujet du droit environnemental, une rencontre internationale en mai 1992, également à Rio, des rédacteurs en chef de publications relatives à l'environnement, un Congrès des villes du monde (Agenda 21 local) à Curitiba immédiatement avant la Conférence et la Foire de technologie environnementale qui aura lieu à Sao Paulo en même temps que la Conférence.

Chip Lindner et Tony Gross ont parlé du Forum mondial, l'événement parallèle des ONG qui aura lieu pendant la Conférence. Le Forum mondial comprendra des « douzaines sinon des centaines » d'événements qui se dérouleront tous dans le secteur Gloria/Flamengo, l'hôtel Gloria servant de bureau central, relié électroniquement au Rio Centro. L'objectif du Forum mondial est de rassembler toutes les couches de la société pour leur permettre de présenter leur message aux gouvernements. Ils espèrent être le principal élément d'un réseau de Conférences d'ONG qui se dérouleront partout au monde en appui à la CNUED.

This document to be revised by Secretariat to accord with change made to Para 4(a), ie, to replace references to "Main Committees" (plural) to "Main Committee" (singular).

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PREPARATORY COMMITTEE FOR THE UNITED NATIONS
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Third session
Geneva, 12 August - 4 September 1991
Agenda item 2 (d)

PREPARATIONS FOR THE UNITED NATIONS CONFERENCE ON ENVIRONMENT AND DEVELOPMENT ON THE BASIS OF GENERAL ASSEMBLY RESOLUTION 44/228 AND TAKING INTO ACCOUNT OTHER RELEVANT GENERAL ASSEMBLY RESOLUTIONS

PROVISIONAL AGENDA, ORGANIZATION OF WORK AND PROVISIONAL RULES OF PROCEDURE OF THE CONFERENCE

Draft decision proposed by the Chairman

The Preparatory Committee, recalling the provisions of General Assembly resolutions 44/228 of 28 December 1989 and 45/211 of 21 December 1990, and having considered the report of the Secretary-General of the Conference on the draft provisional agenda, organization of work and draft rules of procedure of the Conference (A/CONF.151/PC/56) decides:

A.

Draft provisional agenda

1. That the draft provisional agenda should consist of the following items:

   1. Opening of the Conference.
   2. Election of the President.
   3. Adoption of the rules of procedure.
   4. Adoption of the agenda.
   5. Election of officers other than the President.
   6. Organization of work, including establishment of the Main Committee of the Conference.

7. Credentials of representatives to the Conference:

(a) Appointment of the members of the Credentials Committee;

(b) Report of the Credentials Committee.

8. General debate.

9. Adoption of agreements on environment and development*.

10. Signature of Conventions**.

11. Adoption of the report of the Conference.

B.

Pre-session consultations

2. To recommend to the General Assembly that pre-session consultations be held in Rio de Janeiro on 29 and 30 May 1992, in order to reach final agreement and recommendations to be made on all procedural and organizational matters to be dealt with at the Conference on the opening day, including the election of officers, the composition and distribution of posts on the Bureau among the regional groups, the adoption of the rules of procedure, the adoption of the agenda and organization of work, the appointment of members of the Credentials Committee and arrangements for the preparation of the report of the Conference;

C.

Participation in the Conference

3. That further to the provisions of paragraph 7 of its resolution 45/211 in which the General Assembly invited the Secretary-General to issue invitations to all States Members of the United Nations or members of the specialized agencies and observers, in accordance with the established practice of the General Assembly:

(a) To recommend to the General Assembly that all intergovernmental and non-governmental organizations invited to participate in the work of the Preparatory Committee should receive invitations to participate in like manner in the Conference;

(b) That only those intergovernmental and non-governmental organizations invited to participate in the work of the Preparatory Committee by the conclusion of the fourth session of the Preparatory Committee should receive such invitations;

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* Sub-items will subsequently be listed under item 9 in the light of the decisions of the Preparatory Committee at its fourth session.

** Sub-items will subsequently be listed under item 10 in the light of the results of ongoing negotiations.

(c) To invite the Secretary-General of the Conference to ensure the widest possible dissemination of this decision to all relevant and competent non-governmental and intergovernmental organizations concerned;

(d) To recommend to the General Assembly that relevant United Nations specialized agencies, organizations and programmes be issued invitations by the Secretary-General in accordance with established practice.

D.

Organization of the work of the Conference

4. To recommend that,

(a) The plenary of the Conference establish one Main Committee to consider the substantive item or items before the Conference;

(b) The Main Committee could establish subcommittees or working groups as required

(c) The Conference would have a General Committee composed of the President, the Vice-Presidents, a Rapporteur-General and the Chairman of the Main Committee;

(d) The Conference elect 39 Vice-Presidents, distributed on the following basis:

African States	11
Asian States	9
Eastern European States	4
Latin American and Caribbean States	8
Western European and Other States	7

(e) The Main Committee should complete its work by the end of the first week of the Conference;

(f) The plenary would hold a general debate between 1 and 10 June;

(g) No delegation be allowed to speak more than once in the general debate and that a time-limit of 15 minutes be established for statements by representatives of Governments, 10 minutes for representatives of United Nations specialized agencies, organizations and programmes and intergovernmental organizations and 7 minutes for all other statements;

(h) To recommend that Heads of State or Governments participate in the concluding events of the Conference to take place on 11 and 12 June 1992.

E.

Draft provisional rules of procedure

5. To recommend to the Conference the adoption of the draft provisional rules of procedure set out in Annex I.

Annex

DRAFT PROVISIONAL RULES OF PROCEDURE

I. REPRESENTATION AND CREDENTIALS

Composition of delegations

Rule 1

The delegation of each State participating in the Conference shall consist of a head of delegation and such other representatives, alternate representatives and advisers as may be required.

Alternates and advisers

Rule 2

The head of delegation may designate an alternate representative or an adviser to act as a representative.

Submission of credentials

Rule 3

The credentials of representatives and the names of alternate representatives and advisers shall be submitted to the Secretary-General of the Conference, if possible not less than one week before the date fixed for the opening of the Conference. The credentials shall be issued either by the Head of the State or Government or by the Minister for Foreign Affairs.

Credentials Committee

Rule 4

A Credentials Committee of nine members shall be appointed at the beginning of the Conference. Its composition shall be based on that of the Credentials Committee of the General Assembly of the United Nations at its forty-sixth session. It shall examine the credentials of representatives and report to the Conference without delay.

Provisional participation in the Conference

Rule 5

Pending a decision of the Conference upon their credentials, representatives shall be entitled to participate provisionally in the Conference.

II. OFFICERS

Elections

Rule 6

1. The Conference shall elect from among the representatives of participating States the following officers: a President, (...) Vice-Presidents and a Rapporteur-General, as well as a Chairman for each of the Main Committees established in accordance with rule 46. These officers shall be elected on the basis of ensuring the representative character of the General Committee. The Conference may also elect such other officers as it deems necessary for the performance of its functions.

General powers of the President

Rule 7

1. In addition to exercising the powers conferred upon him elsewhere by these rules, the President shall preside at the plenary meetings of the Conference, declare the opening and closing of each meeting, put questions to the vote and announce decisions. The President shall rule on points of order and, subject to these rules, shall have complete control of the proceedings and over the maintenance of order thereat. The President may propose to the Conference the closure of the list of speakers, a limitation on the time to be allowed to speakers and on the number of times each representative may speak on a question, the adjournment or closure of the debate and the suspension or the adjournment of a meeting.

2. The President, in the exercise of his function, remains under the authority of the Conference.

Acting President

Rule 8

1. If the President is absent from a meeting or any part thereof, he shall designate one of the Vice-Presidents to take his place.

2. A Vice-President acting as President shall have the same powers and duties as the President.

Replacement of the President

Rule 9

If the President is unable to perform his functions, a new President shall be elected.

Voting rights of the President

Rule 10

The President, or a Vice-President acting as President, shall not vote in the Conference, but may appoint another member of his delegation to vote in his place.

III. GENERAL COMMITTEE

Composition

Rule 11

The President, the Vice-Presidents, the Rapporteur-General and the Chairmen of the Main Committees shall constitute the General Committee. The President, or in his absence one of the Vice-Presidents designated by him, shall serve as Chairman of the General Committee. The Chairman of the Credentials Committee and other committees established by the Conference in accordance with rule 48 may participate, without the right to vote, in the General Committee.

Substitute members

Rule 12

If the President or a Vice-President of the Conference is to be absent during a meeting of the General Committee, he may designate a member of his delegation to sit and vote in the Committee. In case of absence, the Chairman of a Main Committee shall designate the Vice-Chairman of that Committee as his substitute. When serving on the General Committee, the Vice-Chairman of a Main Committee shall not have the right to vote if he is of the same delegation as another member of the General Committee.

Functions

Rule 13

The General Committee shall assist the President in the general conduct of the business of the Conference and, subject to the decisions of the Conference, shall ensure the coordination of its work.

IV. SECRETARIAT OF THE CONFERENCE

Duties of the Secretary-General of the Conference

Rule 14

1. The Secretary-General of the Conference shall act in that capacity in all meetings of the Conference and its subsidiary organs.

2. The Secretary-General of the Conference may designate a member of the secretariat to act in his place at these meetings.

3. The Secretary-General of the Conference shall direct the staff required by the Conference.

Duties of the secretariat

Rule 15

The secretariat of the Conference shall, in accordance with these rules:

(a) Interpret speeches made at meetings;

(b) Receive, translate, reproduce and circulate the documents of the Conference;

(c) Publish and circulate the official documents of the Conference;

(d) Prepare and circulate records of public meetings;

(e) Make and arrange for the keeping of sound recordings and provide summary records of meetings;

(f) Arrange for the custody and preservation of the documents of the Conference in the archives of the United Nations;

(g) Generally perform all other work that the Conference may require.

Statements by the secretariat

Rule 16

The Secretary-General of the United Nations, the Secretary-General of the Conference, or any member of the secretariat designated by either for that purpose, may, at any time, make other oral or written statements concerning any question under consideration.

V. OPENING OF THE CONFERENCE

Temporary President

Rule 17

The Secretary-General of the United Nations or, in his absence, the Secretary-General of the Conference, shall open the first meeting of the Conference and preside until the Conference has elected its President.

Decisions concerning organization

Rule 18

The Conference shall at its first meeting:

(a) Adopt its rules of procedure;

(b) Elect its officers and constitute its subsidiary organs;

(c) Adopt its agenda, the draft of which shall, until such adoption, be the provisional agenda of the Conference;

(d) Decide on the organization of its work.

VI. CONDUCT OF BUSINESS

Quorum

Rule 19

The President may declare a meeting open and permit the debate to proceed when at least one third of the representatives of the States participating in the Conference are present. The presence of representatives of a majority of the States so participating shall be required for any decision to be taken.

Speeches

Rule 20

1. No one may address the Conference without having previously obtained the permission of the President. Subject to rules 21, 22 and 25 to 27, the President shall call upon speakers in the order in which they signify their desire to speak. The secretariat shall be in charge of drawing up a list of speakers.

2. Debate shall be confined to the question before the Conference and the President may call a speaker to order if his remarks are not relevant to the subject under discussion.

3. The Conference may limit the time allowed to each speaker and the number of times each participant may speak on any question. Permission to speak on a motion to set such limits shall be accorded only to two representatives in favour of and to two opposing such limits, after which the motion shall be immediately put to the vote. In any event, with the consent of the Conference, the President shall limit each intervention on procedural matters to five minutes. When the debate is limited and a speaker exceeds the allotted time, the President shall call him to order without delay.

Points of order

Rule 21

During the discussion of any matter, a representative may at any time raise a point of order, which shall be immediately decided by the President in accordance with these rules. A representative may appeal against the ruling of the President. The appeal shall be immediately put to the vote, and the President's ruling shall stand unless overruled by a majority of the representatives present and voting. A representative may not, in raising a point of order, speak on the substance of the matter under discussion.

Precedence

Rule 22

The Chairman or Rapporteur of a Main Committee, or the representative of a subcommittee or working group may be accorded precedence for the purpose of explaining the conclusions arrived at by the body concerned.

Closing of the list of speakers

Rule 23

During the course of a debate, the President may announce the list of speakers and, with the consent of the Conference, declare the list closed.

Right of reply

Rule 24

1. Notwithstanding rule 23, the President shall accord the right of reply to a representative of any State participating in the Conference who requests it. Any other representative may be granted the opportunity to make a reply.

2. The statements made under this rule shall normally be made at the end of the last meeting of the day, or at the conclusion of the consideration of the relevant item if that is sooner.

3. The representatives of a State may make no more than two statements under this rule at a given meeting on any item. The first shall be limited to five minutes and the second to three minutes; representatives shall in any event attempt to be as brief as possible.

Adjournment of debate

Rule 25

A representative may at any time move the adjournment of the debate on the question under discussion. In addition to the proposer of the motion, permission to speak on the motion shall be accorded only to two representatives in favour and to two opposing the adjournment, after which the motion shall, subject to rule 28, be immediately put to the vote.

Closure of debate

Rule 26

A representative may at any time move the closure of the debate on the question under discussion, whether or not any other representative has signified his wish to speak. Permission to speak on the motion shall be accorded only to two representatives opposing the closure, after which the motion shall, subject to rule 28, be immediately put to the vote.

Suspension or adjournment of the meeting

Rule 27

Subject to rule 38, a representative may at any time move the suspension or the adjournment of the meeting. No discussion on such motions shall be permitted and they shall, subject to rule 28, be immediately put to the vote.

Order of motions

Rule 28

The motions indicated below shall have precedence in the following order over all proposals or other motions before the meeting:

(a) to suspend the meeting;

(b) To adjourn the meeting;

(c) To adjourn the debate on the question under discussion;

(d) To close the debate on the question under discussion.

Submission of proposals and substantive amendments

Rule 29

Proposals and substantive amendments shall normally be submitted in writing to the Secretary-General of the Conference, who shall circulate copies to all delegations. Unless the Conference decides otherwise, substantive proposals shall be discussed or put to a decision no earlier than 24 hours after copies have been circulated in all languages of the Conference to all delegations. The President may, however, permit the discussion and consideration of amendments, even though these amendments have not been circulated or have only been circulated the same day.

Withdrawal of proposals and motions

Rule 30

A proposal or a motion may be withdrawn by its sponsor at any time before a decision on it has been taken, provided that it has not been amended. A proposal or a motion thus withdrawn may be reintroduced by any representative.

Decisions on competence

Rule 31

Subject to rule 21, any motion calling for a decision on the competence of the Conference to adopt a proposal submitted to it shall be put to the vote before a decision is taken on the proposal in question.

Reconsideration of proposals

Rule 32

When a proposal has been adopted or rejected, it may not be reconsidered unless the Conference, by a two-thirds majority of the representatives present and voting, so decides. Permission to speak on a motion to reconsider shall be accorded only to two speakers opposing reconsideration, after which the motion shall be immediately put to the vote.

VII. DECISION-MAKING

General agreement

Rule 33

The Conference shall make its best endeavours to ensure that the work of the Conference is accomplished by general agreement.

Voting rights

Rule 34

Each State participating in the Conference shall have one vote.

Majority required

Rule 35

1. Subject to rule 33, [decisions of the Conference on all matters of substance shall be taken by a two-thirds majority of the representatives present and voting.]

2. Except as otherwise provided in these rules, decisions of the Conference on all matters of procedure shall be taken by a majority of the representatives present and voting.

3. If the question arises whether a matter is one of procedure or of substance, the President of the Conference shall rule on the question. An appeal against this ruling shall be put to the vote immediately, and the President's ruling shall stand unless overruled by a majority of the representatives present and voting.

4. If a vote is equally divided, the proposal or motion shall be regarded as rejected.

Meaning of the phrase "representatives present and voting"

Rule 36

For the purpose of these rules, the phrase "representatives present and voting" means representatives casting an affirmative or negative vote. Representatives who abstain from voting shall be regarded as not voting.

Method of voting

Rule 37

1. Except as provided in rule 44, the Conference shall normally vote by show of hands, except that a representative may request a roll-call, which shall then be taken in the English alphabetical order of the names of the States participating in the Conference, beginning with the delegation whose name is drawn by lot by the President. The name of each State shall be called in all roll-calls, and its representative shall reply "yes", "no" or "abstention".

2. When the Conference votes by mechanical means, a non-recorded vote shall replace a vote by show of hands and a recorded vote shall replace a roll-call. A representative may request a recorded vote, which shall, unless a representative requests otherwise, be taken without calling out the names of the States participating in the Conference.

3. The vote of each State participating in a roll-call or a recorded vote shall be inserted in any record of or report on the meeting.

Conduct during voting

Rule 38

After the President has announced the commencement of voting, no representative shall interrupt the voting, except on a point of order in connection with the process of voting.

Explanation of vote

Rule 39

Representatives may make brief statements consisting solely of explanations of vote, before the voting has commenced or after the voting has been completed. The President may limit the time to be allowed for such explanations. The representative of a State sponsoring a proposal or motion shall not speak in explanation of vote thereon, except if it has been amended.

Division of proposals

Rule 40

A representative may move that parts of a proposal be decided on separately. If a representative objects, the motion for division shall be voted upon. Permission to speak on the motion shall be accorded only to two representatives in favour of and to two opposing the division. If the motion is carried, those parts of the proposal that are subsequently approved shall be put to the Conference for decision as a whole. If all operative parts of the proposal have been rejected, the proposal shall be considered to have been rejected as a whole.

Amendments

Rule 41

A proposal is considered an amendment to another proposal if it merely adds to, deletes from or revises part of that proposal. Unless specified otherwise, the word "proposal" in these rules shall be considered as including amendments.

Order of voting on amendments

Rule 42

When an amendment is moved to a proposal, the amendment shall be voted on first. When two or more amendments are moved to a proposal, the Conference shall vote first on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed therefrom and so on until all the amendments have been put to the vote. Where, however, the adoption of one amendment necessarily implies the rejection of another amendment, the latter shall not be put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted upon.

Order of voting on proposals

Rule 43

1. If two or more proposals, other than amendments, relate to the same question, they shall, unless the Conference decides otherwise, be voted on in the order in which they were submitted. The Conference may, after each vote on a proposal, decide whether to vote on the next proposal.

2. Revised proposals shall be voted on in the order in which the original proposals were submitted, unless the revision substantially departs from the original proposal. In that case, the original proposal shall be considered as withdrawn and the revised proposal shall be treated as a new proposal.

3. A motion requiring that no decision be taken on a proposal shall be put to the vote before a decision is taken on the proposal in question.

Elections

Rule 44

All elections shall be held by secret ballot unless, in the absence of any objection, the Conference decides to proceed without taking a ballot when there is an agreed candidate or State.

Rule 45

1. When one or more elective places are to be filled at one time under the same conditions, those candidates, in a number not exceeding the number of such places, obtaining in the first ballot a majority of the votes cast and the largest number of votes, shall be elected.

2. If the number of candidates obtaining such majority is less than the number of places to be filled, additional ballots shall be held to fill the remaining places.

VIII. SUBSIDIARY BODIES

Main Committees

Rule 46

The Conference may establish Main Committees as required which may set up subcommittees or working groups.

Representation on the Main Committees

Rule 47

Each State participating in the Conference may be represented by one representative on each Main Committee established by the Conference. It may assign to these Committees such alternate representatives and advisers as may be required.

Other committees and working groups

Rule 48

1. In addition to the committees referred to above, the Conference may establish such committees and working groups as it deems necessary for the performance of its functions.

2. Each committee may set up subcommittees and working groups.

Rule 49

1. The members of the committees and working groups of the Conference, referred to in rule 48, paragraph 1, shall be appointed by the President, subject to the approval of the Conference, unless the Conference decides otherwise.

2. Members of the subcommittees and working groups of committees shall be appointed by the Chairman of the committee in question, subject to the approval of that committee, unless the committee decides otherwise.

Officers

Rule 50

Except as otherwise provided in rule 6, each committee, subcommittee and working group shall elect its own officers.

Quorum

Rule 51

1. The Chairman of a Main Committee may declare a meeting open and permit the debate to proceed when representatives of at least one quarter of the States participating in the Conference are present. The presence of representatives of a majority of the States so participating shall be required for any decision to be taken.

2. A majority of the representatives of the General or Credentials Committee or of any committee, subcommittee or working group shall constitute a quorum.

Officers, conduct of business and voting

Rule 52

The rules contained in chapters II, VI (except rule 19) and VII above shall be applicable, mutatis mutandis, to the proceedings of committees, subcommittees and working groups, except that:

(a) The Chairmen of the General and Credentials Committees and the chairmen of the committees, subcommittees and working groups may exercise the right to vote,

(b) Decisions of committees, subcommittees and working groups shall be taken by a majority of the representatives present and voting, except that the reconsideration of a proposal or an amendment shall require the majority established by rule 32.

IX. LANGUAGES AND RECORDS

Languages of the Conference

Rule 53

Arabic, Chinese, English, French, Russian and Spanish shall be the languages of the Conference.

Interpretation

Rule 54

1. Speeches made in a language of the Conference shall be interpreted into the other such languages.

2. A representative may speak in a language other than a language of the Conference if the delegation concerned provides for interpretation into one such language.

Languages of official documents

Rule 55

Official documents of the Conference shall be made available in the languages of the Conference.

Sound recordings of meetings

Rule 56

Sound recordings of meetings of the Conference and of any Main Committee shall be made and kept in accordance with the practice of the United Nations. Unless otherwise decided by the Conference or the Main Committee concerned, no such recordings shall be made of the meetings of any working group thereof.

X. PUBLIC AND PRIVATE MEETINGS

General principles

Rule 57

The plenary meetings of the Conference and the meetings of any committee shall be held in public unless the body concerned decides otherwise. All decisions taken by the plenary of the Conference at a private meeting shall be announced at an early public meeting of the Plenary.

Rule 58

As a general rule, meetings of the General Committee, subcommittees or working groups shall be held in private.

Communiques on private meetings

Rule 59

At the close of a private meeting, the presiding officer of the organ concerned may issue a communique through the Secretary-General of the Conference.

XI. OTHER PARTICIPANTS AND OBSERVERS

Representatives of organizations that have received a standing invitation from the General Assembly to participate in the capacity of observers in the sessions and work of all international conferences convened under its auspices

Rule 60

Representatives designated by organizations that have received a standing invitation from the General Assembly to participate in the sessions and work of all international conferences convened under its auspices, have the right

to participate as observers, without the right to vote, in the deliberations of the Conference, any Main Committee and, as appropriate, any other committee or working group.

Representatives of national liberation movements

Rule 61

Representatives designated by national liberation movements invited to the Conference may participate as observers, without the right to vote, in the deliberations of the Conference, any Main Committee and, as appropriate, any other committee or working group on any matter of particular concern to those movements.

Representatives of the specialized agencies 1/

Rule 62

Representatives designated by the specialized agencies may participate, without the right to vote, in the deliberations of the Conference, any Main Committee and, as appropriate, any other committee or working group on questions within the scope of their activities.

Representatives of other intergovernmental organizations

Rule 63

Representatives designated by other intergovernmental organizations invited to the Conference may participate as observers, without the right to vote, in the deliberations of the Conference, any Main Committee and, as appropriate, any other committee or working group on questions within the scope of their activities.

Representatives of interested United Nations organs

Rule 64

Representatives designated by interested organs of the United Nations may participate as observers, without the right to vote, in the deliberations of the Conference, any Main Committee and, as appropriate, any other committee or working group on questions within the scope of their activities.

1/ For the purpose of these rules, the term "specialized agencies" includes the International Atomic Energy Agency and the General Agreement on Tariffs and Trade.

Representatives of non-governmental organizations

Rule 65

1. Non-governmental organizations invited to the Conference may designate representatives to sit as observers at public meetings of the Conference and any Main Committee.

2. Upon the invitation of the presiding officer of the conference body concerned and subject to the approval of that body, such observers may make oral statements on questions in which they have special competence.

Written statements

Rule 66

Written statements submitted by the designated representatives referred to in rules 60 to 65 shall be distributed by the secretariat to all delegations in the quantities and in the language in which the statements are made available to it at the site of the Conference, provided that a statement submitted on behalf of a non-governmental organization is related to the work of the Conference and is on a subject in which the organization has a special competence.

XII. SUSPENSION AND AMENDMENT OF THE RULES OF PROCEDURE

Method of suspension

Rule 67

Any of these rules may be suspended by the Conference provided that 24 hours' notice of the proposal for the suspension has been given, which may be waived if no representative objects. Any such suspension shall be limited to a specific and stated purpose and to a period required to achieve that purpose.

Method of amendment

Rule 68

These rules of procedure may be amended by a decision of the Conference taken by a two-thirds majority of the representatives present and voting, after the General Committee has reported on the proposed amendment.

UNITED NATIONS

GENERAL ASSEMBLY

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PREPARATORY COMMITTEE FOR THE UNITED NATIONS
CONFERENCE ON ENVIRONMENT AND DEVELOPMENT
Third session
Geneva, 12 August-4 September 1991
Agenda item 3

ARRANGEMENTS FOR FUTURE SESSIONS OF THE PLENARY COMMITTEE

Draft decision proposed by the Chairman on the basis of informal consultations

Organization of work of the fourth session

The Preparatory Committee, having considered the question of arrangements for its fourth session, decides:

1. That its fourth session shall be designated as a negotiating session. In consequence, no general discussions on issues or reports will be held. The discussions will focus on proposals and negotiating texts;

2. That the bulk of the work of the session shall be conducted through the mechanism of informal consultations (with interpretation);

3. That the plenary will meet throughout the session. It will begin from the first week to discuss the cross-sectoral issues, starting with financial resources and the transfer of technology and that time will be given to the negotiations of these issues with a view to reaching a final agreement before the end of the session;

4. That Working Groups I and II will begin their meetings from the second week;

5. That Working Group III will begin its work from the first week to discuss the Earth Charter/Rio de Janeiro Declaration on Environment and Development and the question of institutions;

6. That the secretariat will distribute documentation in all official languages six weeks before the opening of the session;

7. That delegates shall endeavour to submit position papers before the session begins;

8. That during the session, the only documentation processed will be formal proposals by delegations presented in the customary form and revisions of texts for negotiations. A cut-off date early in the session shall be established for the submission of all draft proposals under all items;

9. To endeavour to adhere strictly to the programme of work for its fourth session, once it has been adopted;

10. To request the General Assembly to approve the dates of 2 March to 3 April 1992 in New York for its fourth session;

11. To request the General Assembly to allow it to hold up to six meetings a day. As a general rule, it will hold two meetings in the mornings, and two meetings in the afternoons, from Monday to Friday, and two meetings on Saturday mornings.

United Nations

GENERAL ASSEMBLY

Unnumbered
4 September 1991

Original: English

PREPARATORY COMMITTEE FOR THE UNITED NATIONS
CONFERENCE ON ENVIRONMENT AND DEVELOPMENT
Third Session
Geneva, 12 August-4 September 1991
Agenda Item 2(d)

PREPARATIONS FOR THE UNITED NATIONS CONFERENCE ON ENVIRONMENT AND DEVELOPMENT ON THE BASIS OF GENERAL ASSEMBLY RESOLUTION 44/228 AND TAKING INTO ACCOUNT OTHER RELEVANT GENERAL ASSEMBLY RESOLUTIONS

PROVISIONAL AGENDA, ORGANIZATION OF WORK AND PROVISIONAL RULES OF PROCEDURE OF THE CONFERENCE

Draft Decision proposed by Brazil

Preambular: The Preparatory Committee, having adopted L.42, on the understanding that, as necessary, relevant parts of it could be rviewed at its 4th session in light of the decision on this matter by the United Nations General Assembly at its 46th session

Operative: recommends to the United Nations General Assembly at its 46th Session to consider measures to ensure adequate and full participation of developing countries at UNCED and to examine the question of participation in the Conference and its subsidiary organs.

PROTECTION DE L'ATMOSPHÈRE

RÉSUMÉ

Les délibérations de la troisième réunion du Comité préparatoire (PrepCom III)ont permis d'élaborer les éléments de programme de la composante Protection de l'atmosphère d'Agenda 21. La portée de cette composante dépasse (ou pourrait à tout le moins dépasser) la simple question de l'énergie et le changement de climat global de façon presqu'exclusive. Toutefois, dans leur forme actuelle, les éléments de programme n'abordent pas les questions atmosphériques et des solutions à partir d'une démarche intégrée, et l'on ne semble pas non plus envisager la répercussion des questions atmosphériques et des réactions proposées sur d'autres thèmes d'environnement et de développement. L'occasion se présente (avant le 1er octobre 1991) d'informer le secrétaire général sur ce que le Canada voudrait voir figurer dans le programme pour la protection de l'atmosphère et sur la façon dont il voudrait voir traiter la question des «interconnexions» à l'égard de ces sujets.

Documentation

A/CONF.151/PC/42/Add.1	-	*Protection of the Atmosphere: Options for Agenda 21* (Protection de l'atmosphère : Options pour Agenda 21)
A/CONF.151/PC/57	-	*Protection of the Atmosphere: Climate Change* (Protection de l'atmosphère : Changement climatique)
A/CONF.151/PC/58	-	*Protection of the Atmosphere: Ozone Depletion* (Protection de l'atmosphère : Appauvrissement de l'ozone)
A/CONF.151/PC/59	-	*Protection of the Atmosphere: Transboundary*

Air Pollution (Protection de l'atmosphère : Pollution atmosphérique transfrontière)

A/CONF.151/PC/60 - *Protection of the Atmosphere: Sectoral Issues* (Protection de l'atmosphère : Questions sectorielles)

A/CONF.151/PC/WG.I/L.21/Rev.2 - *Protection of the Atmosphere Decision* (Décision concernant la protection de l'atmosphère)

A/CONF.151/PC/WG.I/L.25/Rev.2 - *Protection of the Atmosphere: Options for Agenda 21* (Protection de l'atmosphère : Options pour Agenda 21

A/CONF.151/PC/WG.I/L.33/Rev.3 - *Protection of the Atmosphere: Decisions on Agenda 21* (Protection de l'atmosphère : Décisions concernant Agenda 21)

DÉBATS DE PREPCOM III

On avait défini les objectifs suivants en vue de PrepCom III.

1. Définir les liens entre les problèmes atmosphériques de changement climatique, de pollution atmosphérique transfrontière et d'appauvrissement de l'ozone. Ces liens comprendraient des aspects du problème de changement climatique qui est aggravé par des réactions internationales proposées pour d'autres problèmes, qui aggravent l'autre question atmosphérique ou pour lesquels existent des possibilités de réactions complémentaires ou synergiques.

2. Définir les liens entre le problème du changement climatique et les problèmes de la biodiversité, des océans et des forêts, particulièrement en ce qui a trait aux délibérations internationales visant des ententes et déclarations internationales connexes, ainsi qu'en ce qui concerne l'élaboration d'options sur les façons d'aborder ces liens que les organismes sectoriels pertinents pourraient envisager .

3. Déterminer des liens critiques et des éléments éventuels d'un programme d'action, notamment l'examen des liens entre le changement climatique et des questions telles que les pressions démographiques, le développement économique international, la pauvreté, la qualité du milieu de vie, la santé, la situation des femmes et des enfants, les groupes vulnérables, le contexte économique international et la sécurité de l'alimentation.

4. Encourager le PrepCom de la CNUED à procéder avec diligence à ses travaux concernant la politique et d'autres moyens de réponse (objectifs multisectoriels) tels que le développement de capacité, le développement, la coopération et le transfert technologiques, les mesures normatives, la politiques et les instruments économiques, l'information, le suivi et la collecte de données et les ressources financières, afin que les résultats de ces délibérations puissent être soumis à la CCCC, au CIN et à d'autres organismes de négociation.

5. Encourager la discussion au sujet des moyens efficaces de renforcer la coopération dans les programmes régionaux et internationaux de recherche, de développement et de démonstration (par ex., par le Programme climatique mondial), notamment par un appui à des programmes nationaux-régionaux intégrés comportant les orientations suivantes :

   - réduire les incertitudes associées au changement climatique, en abordant dans un contexte régional les conséquences environnementales, sociales (notamment les préoccupations de santé humaine) et économiques (coûts et avantages) du changement climatique;
   - accroître la faculté d'adaptation de secteurs clés dépendant du climat (par ex., agriculture et forêts);
   - améliorer la communication des résultats d'activités régionales et internationales de recherche et développement, par des programmes dirigés nationaux, régionaux et internationaux d'éducation et d'information, et
   - déterminer les coûts et avantages sociaux, économiques et environnementaux des options de réponse.

6. Encourager la discussion au sujet des besoins et mécanismes en vue d'établir des capacités régionales et mondiales polyvalentes de suivi et d'évaluation de variables économiques, sociales, physiques et biologiques, entre autres, afin d'évaluer la situation du climat régional et mondial, ses variations et tendances et les réactions d'écosystèmes gérés et non gérés (y compris des zones protégées) et de régimes socio-économiques connexes.

7. Encourager la discussion des grands thèmes du climat, de la variabilité climatique et du changement climatique provoqué par des causes autres qu'une concentration atmosphérique accrue de gaz à effet de serre.

8. Décourager le PrepCom de rechercher l'élaboration d'une stratégie énergétique globale et mondiale, comme le propose le Secrétariat de la CNUED dans le document PC 22. Dans sa décision prise lors de PrepCom II, le Groupe de travail I sur le changement de climat global avait souligné que les travaux de la CNUED devaient être un complément à ceux du CIN, et non les reproduire ou s'y substituer. L'élaboration d'une stratégie énergétique globale, s'il y a lieu, devrait être abordée dans le cadre des travaux du CIN, ou du moins en collaboration avec lui.

La discussion au sujet des questions de protection de l'atmosphère (changement climatique, appauvrissement de l'ozone et pollution atmosphérique transfrontière) a été amorcée par J. Ripert, président du CIN, qui a présenté un compte rendu détaillé de la dernière séance de négociation.

Ensuite, une série de délégations ont effectué des interventions qui ne soulevaient pas beaucoup de points nouveaux. Une préoccupation générale reprise par plusieurs délégations de pays en voie de développement visait à s'assurer que des fonds à l'appui de la participation de ces pays au processus du CIN resteraient disponibles après la réunion de Nairobi, en septembre 1991. Dans une brève intervention, la délégation américaine a manifesté son optimisme devant le climat positif entourant les négociations du CIN, en insistant sur l'importance que les travaux de la CNUED ne chevauchent pas ceux du CIN.

Les Pays-Bas, parlant au nom de la CEE, ont exprimé l'avis qu'un travail plus poussé s'imposait à l'égard des instruments économiques liés aux questions atmosphériques. Ils ont également souligné que l'accent mis sur l'énergie dans les documents du Secrétariat était nécessaire, mais qu'il ne suffisait pas comme première étape, et suggéraient d'élargir la portée afin d'englober des secteurs tels que l'agriculture et les forêts.

De son côté, le Brésil a exprimé l'espoir que la réunion de Nairobi aboutisse à un cadre de convention, tandis que la Malaisie a insisté sur le fait que toute tentative de production d'un protocole à cette étape n'aurait qu'un effet négatif et ne ferait que diminuer la contribution des pays en voie de développement au processus principal du CIN. Le Ghana était d'avis que le «droit au développement» devait figurer dans une convention-cadre, en ajoutant que la coopération des pays en voie de développement ne viendrait qu'avec la disponibilité des ressources. En réponse à cette déclaration et à d'autres similaires, Ripert a déclaré que même s'il était reconnu que les pays industrialisés devaient prendre l'initiative dans les questions atmosphériques, la responsabilité à l'égard de ces questions était

partagée et mettait en cause les pays industrialisés autant que les pays en voie de développement. En conclusion, J. Ripert a également relevé les points suivants : a) la préoccupation des pays en voie de développement à l'égard de leur participation en l'absence de fonds supplémentaires avant la mi-octobre, b) la nécessité pour les pays en voie de développement de se préparer aux réunions du CIN, et non seulement d'y participer (soit la nécessité d'études au sujet des coûts économiques), et c) le fait qu'Agenda 21 devrait tenir compte de programmes qui seront financés en vertu de la convention sur le changement climatique, même si ces programmes n'existent pas encore.

La discussion au sujet de l'ozone a été encore plus générale. Un thème revenait dans presque chaque exposé : la nécessité que les pays qui n'ont pas signé ou ratifié le Protocole de Montréal prennent un engagement financier de payer avant novembre 1991. L'Australie a également relevé des progrès satisfaisants dans l'élaboration des aspects de non-conformité du Protocole, alors que la Chine rappelait sa récente adhésion au Protocole, en préconisant un transfert technologique et une aide financière immédiates.

La discussion au sujet de la pollution transfrontière à longue distance (PTLD) a été lancée par P. Sand, qui était gestionnaire de la Convention sur la pollution transfrontière à longue distance de la Commission économique européenne avant de se joindre au Secrétariat de la CNUED. Il a souligné que des données relatives à la PTLD n'étaient en fait disponibles que pour l'Europe et l'Amérique du Nord, une conséquence des activités de la Commission, et que les échanges techniques à l'extérieur de ces régions étaient actuellement limités. Il a suggéré que la question prioritaire consistait à déterminer si l'expérience régionale de la Commission pouvait être assimilée et adaptée par d'autres groupes régionaux, peut-être par l'entremise d'autres commissions économiques régionales de l'ONU. Plusieurs pays en développement ont manifesté leur préoccupation devant les niveaux croissants de PTLD et leurs conséquences, en particulier en zone urbaine. La délégation brésilienne a souligné que si, comme le pense le Secrétariat, il existe une technologie permettant d'aborder la question de la PTLD, le PrepCom doit alors se demander comment élaborer les mécanismes nécessaires pour transférer la technologie établie aux pays en développement.

Le reste des discussions de cette troisième réunion a porté à peu près exclusivement sur les options d'Agenda 21. Dans la présentation du sujet par le Secrétariat, on a relevé que les options énoncées dans le document PC/42/Add.1 pourraient servir de point de départ en vue de mesures d'Agenda 21 qui aborderaient les enjeux de la protection de l'atmosphère et qui permettraient d'établir des liens avec le processus du CIN, en définissant des principes directeurs ou des mesures de programme susceptibles de rehausser les activités en cours ou la situation ou la rapidité des négociations du CIN.

Les délégations ont amorcé le débat au sujet des options en vue d'Agenda 21 en se concentrant sur trois grands thèmes : a) comment créer, s'il y a lieu, des liaisons avec d'autres secteurs dont les activités ont un impact sur l'atmosphère, b) déterminer si la priorité relative des questions énergétiques choisie par le Secrétariat lors de la définition des activités du programme a miné l'utilité du document en empiétant sur des questions relevant du CIN et c) le coût et l'incidence institutionnelle des activités du programme proposé.

La délégation des É.-U. a relevé que le Secrétariat n'avait pas accompli ce qui avait été demandé à la deuxième réunion du PrepCom, c'est-à-dire examiner les liens avec les questions atmosphériques aux niveaux national, régional et mondial, le Secrétariat s'étant concentré de façon presque exclusive sur une question atmosphérique (le changement de climat global) et sur un secteur lié à cette question (l'énergie). Il en est découlé des propositions qui préconisent une réglementation poussée, un processus décisionnaire centralisé et, en se concentrant presqu'exclusivement sur des recommandations de politique, une approche du changement climatique qui ne convient pas à l'élaboration d'Agenda 21, si l'on se base sur les documents PC/42/Add.1 et PC/60. La plupart des délégations des pays de l'OCDE, y compris celle du Canada, ont repris les préoccupations des É.-U. à propos de la concentration exagérée sur le secteur énergétique, en exprimant leur désappointement devant le fait que les questions de lien n'aient pas été mieux abordées dans les documents préparatoires de cette réunion du PrepCom.

Les délégations des pays scandinaves et, dans une certaine mesure, celles des pays de la CEE ont accepté le principe que la CNUED doit aborder les questions énergétiques de façon à ne pas empiéter sur des domaines de politique qui relèvent plus du CIN. La Suède a proposé de créer une catégorie distincte pour le transport et de fusionner plusieurs des activités proposées afin de créer seulement quatre secteurs de programmes. Le R.-U. tout en appuyant fermement le principe selon lequel la CNUED doit éviter le chevauchement avec le CIN et l'IPCC, a ajouté que rien ne justifiait la création de nouveaux organismes internationaux concernant l'énergie, pour encourager le Secrétariat de la CNUED à suivre de près les travaux du GT III de l'IPCC.

En général, les pays en voie de développement acceptaient la documentation à titre de point de départ pour des discussions spécifiques, bien que certains (notamment l'Algérie) aient formulé des critiques plutôt sévères à l'égard du Secrétariat pour ne pas avoir défini plus clairement des liens avec d'autres secteurs. On a également déclaré que les questions institutionnelles devraient être abordées dans un contexte mondial, ce qui devrait s'effectuer au sein du GT III PrepCom. Les Philippines ont souligné que la plupart des pays en voie de développement avaient une décennie de retard dans l'élaboration de plans énergétiques pour s'adapter à la demande et à la croissance démographique et que

par conséquent, au lieu de proposer de nouveaux programmes, il faudrait maintenir la priorité des installations et des plans établis (par ex., en assurant l'installation de matériel environnemental dans les centrales alimentées au charbon). La Chine a exprimé l'avis que des programmes d'action devraient présenter plus de mesures concrètes concernant la pollution atmosphérique et que dans le cas des pays en voie de développement, l'efficacité énergétique devrait demeurer la priorité, plutôt qu'une conversion à des sources d'énergie renouvelable. L'Argentine, avec plusieurs autres pays en voie de développement, a rappelé au Secrétariat le caractère crucial d'évaluations des impacts et de détermination des coûts, avant de pouvoir accepter de signer des propositions spécifiques en vue d'Agenda 21.

Dans sa brève intervention, la délégation canadienne a souligné l'importance du travail de la CNUED sur les liaisons, exprimé son désappointement devant le fait que le Secrétariat ait trop concentré ses efforts sur le secteur de l'énergie et fermement préconisé que la CNUED ne tente pas de répéter les travaux du CIN. Dans la déclaration du Canada, on relevait l'importance de l'adaptation aux questions atmosphériques et le fait que des actes et des solutions dans un secteur donné auront des répercussions sur d'autres secteurs. On demandait à la CNUED d'examiner en priorité ces liens. Finalement, la délégation canadienne a déclaré que la transition énergétique devrait partir des systèmes établis et qu'une meilleure gestion locale des ressources renouvelables, accompagnée de l'adaptation de techniques établies et nouvelles au contexte local, avaient autant de valeur, sinon plus, que des propositions de nouveau financement à grande échelle de R et D pour de nouvelles techniques et des systèmes énergétiques qui respectent l'environnement.

Les discussions au sujet de la protection de l'atmosphère au cours de la deuxième semaine ont commencé par une séance informelle d'examen du sommaire du président, qui résumait son interprétation des interventions antérieures (PC/WG.I/CRP.II) et son opinion de la composante atmosphérique d'Agenda 21 (PC/42/Add.1).

Plusieurs délégations ont exprimé leur préoccupation quant au fait que ce document ne reflétait pas vraiment les déclarations des pays. Plusieurs délégations des pays de l'OCDE ont réitéré qu'Agenda 21 devrait être doté d'une perspective plus large (ne se limitant pas à l'énergie et au changement climatique) et d'une approche plus globale des questions atmosphériques, en émettant un doute sur la restriction des activités au seul secteur énergétique. Les pays du G-77 préconisaient une détermination spécifique dans chacun des secteurs du programme des moyens de mise en oeuvre des activités définies, notamment en ce qui concerne le financement et la technologie.

Relativement à la préoccupation concernant la portée limitée d'Agenda 21, on a présenté des propositions de structure du programme axées sur l'action concrète. On semblait s'entendre sur le principe qu'une structure efficace consisterait à répartir le programme en quatre secteurs, soit le secteur de l'énergie, le secteur du transport, le secteur industriel et les incertitudes. Les trois questions atmosphériques pourraient alors être abordées dans le cadre de ces secteurs, dans une approche intégrée des questions atmosphériques.

Le Canada appuyait la volonté d'un élargissement de la portée des propositions atmosphériques dans Agenda 21, en ajoutant que les propositions devraient préciser que l'atmosphère est l'enjeu, et non l'énergie. L'énergie devrait faire partie des programmes dans le cadre des questions atmosphériques, mais il faut également intégrer à la réponse les autres composantes comme l'industrie (avec l'agriculture, les forêts et la fabrication).

Lors des discussions officieuses concernant Agenda 21, le président du GT I a souligné qu'il fallait établir une distinction entre les travaux avant et après la CNUED, pour ce qui est du rôle respectif du CIN-Climat et du processus de la CNUED. Il a ajouté qu'après la CNUED, Agenda 21 connaîtrait son vrai départ.

Les négociations officielles concernant la composante atmosphérique d'Agenda 21 ont commencé le vendredi 23 août, à partir d'une version révisée du document (PC/42/Add.1) qui, après examen lors de cette réunion, servira aux négociations de la quatrième réunion. Toutefois, la version initiale de cette proposition révisée (PC/WG.I/L.25) n'intégrait pas les modifications suggérées lors des consultations officieuses. On a donc réitéré les préoccupations et les suggestions présentées lors des consultations officieuses. Le Canada a rréitéré ses préoccupations au sujet de l'approche mal équilibrée et du besoin de centrer cette approche sur les questions atmosphériques plutôt que sur les questions énergétiques pour cet élément d'Agenda 21. Ces préoccupations et suggestions ont reçu l'appui de plusieurs pays.

Les suggestions de concepts ou d'activités qui devraient figurer dans Agenda 21 comprenaient :

- les différences de responsabilités des pays devraient être définies, en classant les pays selon le niveau de responsabilité (Tunisie);
- dans chaque domaine, il faudrait définir la responsabilité de mise en oeuvre en fonction de la reconnaissance des responsabilités différentes et dans les domaines où l'on prévoit des mesures de la part des pays en voie de développement, il faudrait définir les besoins en ressources financières nouvelles et supplémentaires;
- la consommation par habitant dans les pays industrialisés est au coeur des problèmes liés à l'énergie;

- il est nécessaire d'inclure des activités visant à renforcer des programmes d'éducation, d'information et de recherche et développement;
- les modes de vie et de consommation viables ne devraient pas se limiter aux questions énergétiques, mais aussi englober d'autres domaines.

Au cours de la troisième semaine, les discussions ont continué à être centrées sur les propositions pour le document Agenda 21, préparées par le Secrétariat pour cette réunion. Plusieurs délégations, surtout des pays de l'OCDE, ont soulevé le besoin de mieux intégrer dans Agenda 21 les autres questions atmosphériques (pollution atmosphérique transfrontière et appauvrissement de l'ozone), d'élargir les activités afin d'inclure des réactions restrictives dans des secteurs autres qu'énergétiques et de reconnaître le besoin d'une adaptation dans les secteurs de l'agriculture, des forêts, de la biodiversité, de l'eau douce, des océans, de la gestion des terres et des déchets.

Les pays en développement, menés par l'Inde appuyé par le Mexique et le Brésil, ont demandé que l'on reconnaisse dans chaque activité la situation spéciale des pays en voie de développement, le besoin de ressources financières nouvelles et supplémentaires, le transfert technologique selon des modalités privilégiées et non commerciales et la différence de responsabilités entre pays industrialisés et en voie de développement. On a souligné que les moyens et modalités de transfert de ressources financières pour les activités en cours de négociation en vertu de la convention sur le changement climatique ne devraient pas être reproduits ou remplacés par des délibérations de la CNUED. On a donc suggéré de traiter les préoccupations des pays en voie de développement et de ceux qui veulent éviter le chevauchement ou la préemption du processus du CIN sur le climat (principe également repris par l'Inde) en faisant précéder par le principe général suivant l'option révisée pour Agenda 21 à l'égard de cette question :

> La composante énergétique d'Agenda 21 devrait comporter un élément de souplesse et pouvoir s'adapter à l'évolution des besoins et des situations. Plus préciséemment, le CIN concernant le changement de climat aborde de façon distincte plusieurs des questions relevées dans le texte qui suit. Les propositions qui suivent, traitant d'activités liées au climat et en négociation au CIN, ne doivent pas être interprétées comme une anticipation de l'issue de ces négociations, qu'il s'agisse d'objectifs et d'engagements généraux, de normes, de caractère conditionnel ou de mécanismes institutionnels pour le financement de coûts supplémentaires.

Ce principe préalable proposé par l'Inde témoigne de sa préoccupation au sujet des questions de financement et de transfert technologique, ainsi qu'au sujet de la question du caractère conditionnel. Le CIN concernant le changement climatique

aborde séparément plusieurs de ces questions. Dans tout le texte qui suit, il est convenu :

a) que des engagements de la part de pays en voie de développement revêtent un caractère contractuel, sous réserve de la provision des coûts supplémentaires complets que pourrait prévoir la convention-cadre sur le changement climatique, et

b) que l'expression «organismes internationaux ou intergouvernementaux» peut englober des mécanismes établis ou nouveaux, qui resteront à déterminer d'ici la conclusion du CIN concernant le changement de climat.

On s'est également demandé lors du débat si, tout comme les pays en voie de développement, les pays ayant une économie en transition devraient également recevoir une attention spéciale et bénéficier d'un mécanisme de financement et de transfert technologique. L'argument était que la catégorie des pays en voie de développement ayant une économie en transition n'était pas définie dans la résolution 44/228 de l'Assemblée générale des Nations Unies et que l'on ne sait pas qui fait partie de cette catégorie. On a évité le débat au sujet de la question en convenant de mettre cette expression entre parenthèses lorsqu'elle est mentionnée dans le document d'option.

À la fin de la troisième semaine, le Groupe de travail I avait réussi à passer en revue le document d'option, en mettant entre parenthèses les éléments qui suscitaient un désaccord ou qui devraient être mieux définis pour être acceptés. Les secteurs du programme constituant actuellement le document d'option sont les suivants :

- promotion de la transition énergétique;
- meilleure efficacité énergétique;
- promotion des sources d'énergie renouvelable, et
- promotion de modes de transport spécifiquement sécuritaires et respectueux de l'environnement.

Les secteurs du programme mis entre parenthèses, qui feront l'objet de délibérations à la quatrième réunion, sont la promotion d'un développement industriel sans impact négatif sur l'atmosphère, la promotion de politiques agricoles et forestières sans impact négatift sur l'atmosphère, la promotion de modes de vie et de consommation énergétique viables et l'examen des aspects incertains. La promotion de sources d'énergie renouvelable, bien qu'il en ait été question à cette réunion du PrepCom, sera abordée de façon plus complète lors de la quatrième réunion, lorsque le comité intergouvernemental de l'ONU concernant de nouvelles sources d'énergie renouvelable aura présenté son rapport.

Le secteur du programme relatif au développement industriel a été relevé par plusieurs pays industrialisés comme devant faire partie d'Agenda 21. Plusieurs pays en voie de développement ne voyaient pas ce que cette partie du programme pourrait ajouter aux activités car, selon eux, la question du développement industriel était abordée par les programmes énergétiques. Quelques pays, industrialisés et en développement, appuyaient l'ajout de ce secteur du programme et d'un autre concernant l'agriculture et les forêts, soulignant que ces secteurs contribuent aux problèmes atmosphériques autrement que par leurs simples aspects énergétiques.

La nécessité de ne pas reproduire les travaux du CIN concernant le changement de climat a également été intégrée à la décision par les Pays-Bas, comme c'était le cas lors de la deuxième réunion du PrepCom.

Le manque de connaissances de la plupart des délégations a constitué un facteur important dans le débat sur cette décision, en particulier en matière d'appauvrissement de l'ozone et de pollution atmosphérique transfrontière. Plusieurs points soulevés en cours de débat témoignaient d'une ignorance totale des données scientifiques ou de la façon dont on abordait ces questions dans les forums respectifs.

RÉSULTATS ET ÉVALUATION

Les résultats des délibérations lors de la troisième réunion relative aux questions de protection de l'atmosphère se retrouvent dans les décisions A/CONF.151/PC/WG.I/L.21/Rev.2 et A/CONF.151/PC/WG.I/L.33/Rev.3. Le premier de ces documents traite des trois questions atmosphériques et de la façon dont le Secrétariat s'acquittera des travaux à venir.

Dans le cas du changement de climat global, on demande au secrétaire général de suivre le processus régulier lié au changement climatique, de communiquer au CIN les décisions et documents pertinents de la troisième réunion du PrepCom et, sans chevaucher les travaux du CIN ou s'y substituer, de suivre les travaux du PrepCom et de le tenir au courant des liens entre le changement climatique et d'autres questions d'environnement et de développement, à mesure que ces liens ressortent des travaux du PrepCom.

Les questions de la pollution atmosphérique transfrontière et de l'appauvrissement de l'ozone sont traitées dans la décision relative à la protection de l'atmosphère, par la définition de secteurs du programme et (ou) d'activités pour Agenda 21. Pour ce qui est de l'appauvrissement de l'ozone, on demande dans la décision que tous les états acceptent, ratifient ou approuvent le Protocole de Montréal et ses modificatifs de 1990, qu'ils appuient une nouvelle extension du réseau d'observation et que les parties au Protocole participent activement aux

évaluations. On invite également les parties au Protocole de Montréal à envisager de nouvelles mesures qui s'avéreraient justifiées et réalisables à partir de leur évaluation.

La décision provisoire relative à la pollution atmosphérique transfrontière exprime notamment le besoin d'une couverture géographique mieux équilibrée du réseau du Programme climatique mondial et aborde le besoin pour les parties à la Convention sur la pollution transfrontière à longue distance de partager les données produites dans les domaines du suivi, de l'évaluation et de la technologie, ainsi que le besoin d'identifier d'autres régions qui pourraient tirer avantage de programmes similaires. La décision comporte également une proposition où l'on préconise de définir les impacts environnementaux de la pollution atmosphérique découlant de désastres naturels et de la destruction accidentelle et (ou) volontaire de ressources naturelles.

Dans la décision A/CONF.151/PC/WG.I/L.33/Rev.3, on définit les éléments fondamentaux de la composante protection de l'atmosphère en vue d'Agenda 21. Les secteurs du programme constituant actuellement cette composante sont les suivants :

- promotion de la transition énergétique;
- meilleure efficacité énergétique;
- promotion de sources d'énergie renouvelable;
- promotion de modes de transport spécifiquement sécuritaires et respectueux de l'environnement;
- promotion d'un développement industriel sans impact négatif sur l'atmosphère;
- promotion de politiques agricoles et forestières sans impact négatif sur l'atmosphère;
- promotion de modes de vie et de consommation d'énergie viables, et
- examen des aspects incertains.

On reconnaît dans la décision que les quatre derniers secteurs du programme n'ont pas fait l'objet d'une discussion détaillée lors de la troisième réunion et que, par conséquent, ils feront l'objet de négociations lors de la quatrième réunion. Les gouvernements sont invités à commenter le document L.25/Rev.2 en communiquant par écrit avec le secrétariat de la CNUED, avant le 1er octobre 1991.

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CONFERENCE ON ENVIRONMENT AND DEVELOPMENT
Third session
Geneva, 12 August - 4 September 1991
Working Group I
Agenda item 2

PROTECTION OF THE ATMOSPHERE

Revised draft decision proposed by the Chairman

A. Climate change

The Preparatory Committee,

(a) Takes note of the report of the Secretary-General of the Conference on protection of the atmosphere: climate change (A/CONF.151/PC/57) concerning the ongoing processes related to climate change, and requests the Secretary-General of the Conference to continue to follow those processes in order to ensure that the relevant results are reflected in the work of the Preparatory Committee;

(b) Requests the Secretary-General of the Conference to make available the documents prepared for the third session of the Preparatory Committee relevant to climate change and the protection of the atmosphere to the Intergovernmental Negotiating Committee, including the summary of discussions of the relevant Working Group and plenary sessions and the decisions of the Preparatory Committee;

(c) Further requests the Secretary-General of the Conference without duplicating or preempting the work of the Intergovernmental Negotiating

Committee to continue to follow the work of that Committee and to keep the INC informed on the interconnections between climate change and other environment and development issues, as they emerge from the Preparatory Process of the United Nations Conference on Environment and Development, in particular the elaboration of Agenda 21.

B. Ozone depletion

The Preparatory Committee,

(a) While noting the growing concern over the continuing depletion of the Earth's stratospheric ozone layer, with the ongoing work within the framework of the Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol on Substances that Deplete the Ozone Layer, as amended in London in 1990;

(b) Agrees, in light of its evaluation of ongoing activities under the Vienna Convention and the Montreal Protocol, on the following with regard to Agenda 21 in relation to ozone depletion:

(i) All States that have not already done so should be urged to ratify, accept or approve the Montreal Protocol and its 1990 amendments, and to pay their contributions towards the Vienna/Montreal Trust Funds and the Interim Multilateral Ozone Fund;

(ii) All States and relevant international organizations should be encouraged to support further expansion of the Global Ozone Observing System Network coordinated by the World Meteorological Organization, by facilitating - through bilateral and multilateral funding - the establishment and operation of additional monitoring stations, especially in the tropical belt and the Southern Hemisphere;

(iii) All parties to the Montreal Protocol and relevant international organizations should, with appropriate support to developing countries, be encouraged to participate actively in the continuous assessment of scientific information, health and environmental effects as well as technological/economic implications of stratospheric ozone depletion;

(iv) The parties to the Montreal Protocol ~~should agree to take~~ are invited to consider further actions that prove warranted and feasible on the basis of these assessments, encouraged by the new and additional funding resources technologies and mechanisms through the establishment of the Interim Multilateral Ozone Fund; by the balanced representations in management and the smooth development work to implement the fund in order to compensate developing countries in meeting the incremental cost for complying with the Montreal Protocol;

(v) The industries concerned and the international business community at large should be urged to contribute fully towards ongoing efforts under the Montreal Protocol and its implementing mechanisms.

Committee to continue to follow the work of that Committee and to keep the INC informed on the interconnections between climate change and other environment and development issues, as they emerge from the Preparatory Process of the United Nations Conference on Environment and Development, in particular the elaboration of Agenda 21.

B. Ozone depletion

The Preparatory Committee,

(a) While noting the growing concern over the continuing depletion of the Earth's stratospheric ozone layer, satisfaction was expressed with the ongoing work within the framework of the Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol on Substances that Deplete the Ozone Layer, as amended in London in 1990;

(b) Takes note of the report of the Secretary-General of the Conference on Protection of the atmosphere: ozone depletion (A/CONF.151/PC/58);

(c) Encouraged by the new and additional financial resources contributed to the interim multilateral ozone fund and by the balanced representation in its management, and noting the progress made in work to implement the fund, which was established to meet all agreed incremental costs in order to enable developing countries to comply with the provisions of the Protocol;

(d) Agrees, in light of its evaluation of ongoing activities under the Vienna Convention and the Montreal Protocol, on the following with regard to Agenda 21 in relation to ozone depletion:

(i) All States that have not already done so should be urged to ratify, accept or approve the Montreal Protocol and its 1990 amendments, and to pay their contributions towards the Vienna/Montreal Trust Funds and the Interim Multilateral Ozone Fund;

(ii) All States and relevant international organizations should be encouraged to support further expansion of the Global Ozone Observing System Network coordinated by the World Meteorological Organization, by facilitating - through bilateral and multilateral funding - the establishment and operation of additional monitoring stations, especially in the tropical belt and the Southern Hemisphere;

(iii) All Parties to the Montreal Protocol and relevant international organizations should, with appropriate support to developing countries, be encouraged to participate actively in the continuous assessment of scientific information, health and environmental effects as well as technological/economic implications of stratospheric ozone depletion;

(iv) The Parties to the Montreal Protocol are invited to consider further actions that prove warranted and feasible on the basis of these assessments;

(v) The industries concerned and the international business community at large should be urged to contribute fully towards ongoing efforts under the Montreal Protocol and its implementing mechanisms.

C. Transboundary Air Pollution

The Preparatory Committee,

(a) Takes note of the report of the Secretary-General of the Conference on Protection of the atmosphere: transboundary air pollution (A/CONF.151/PC/59).

(b) Agrees, also taking into account the potential legal conflicts over transboundary damage and the need for cooperative arrangements to deal with major accidents and environmental emergencies, on the following with regard to Agenda 21, in relation to transboundary air pollution:

(i) All States should be urged to ensure a more balanced geographical coverage of the Global Atmosphere Watch network coordinated by the World Meteorological Organization, by facilitating, where appropriate - through multilateral and bilateral funding - the establishment and operation of additional monitoring stations in developing countries; and by contributing to the development of emission inventories and further basic information on air pollution, with special emphasis on human health and environmental impacts, including in urban areas;

(ii) Parties to the Convention on Long-range Transboundary Air Pollution should participate in the ongoing review process, with a view to strengthening its implementation;

(iii) The parties to the Convention on Long-range Transboundary Air Pollution should be encouraged to (1) share with

developing countries the ongoing process of monitoring, modelling, assessment and information exchange on the best available technologies for control of emissions from stationary and mobile sources of air pollution, and (2) to make available multilateral and bilateral funding to facilitate the participation and training of experts from developing countries, for example, in the context of the relative regional programmes of the Economic Commission for Europe;

(iv) Appropriate international organizations, in cooperation with regional and/or subregional organizations concerned, should be encouraged to identify areas that could benefit from similar cooperative programmes for transboundary air pollution monitoring and abatement, including the environmental impacts of air pollution resulting from natural disasters and the deliberate and/or accidental destruction of natural resources.

Oral revisions to draft decision A/CONF.151/PC/WG.I/L.21/Rev.2

(a) In the preamble of section B, the words "of all delegations" before the words "over the continuing depletion" were deleted and the words "express general satisfaction with the ongoing work" were replaced by the words "satisfaction was expressed with the ongoing work";

(b) In section B, two new paragraphs were inserted before paragraph (b), to read as follows:

"Takes note of the report of the Secretary-General of the Conference on Protection of the atmosphere: ozone depletion (A/CONF.151/PC/58)"

"Encouraged by the new and additional financial resources contributed to the interim multilateral ozone fund and by the balanced representation in its management, and noting the progress made in work to implement the fund, which was established to meet all agreed incremental costs in order to enable developing countries to comply with the provisions of the Protocol.";

(c) Sub-paragraph (b), (iv) was replaced by the following:

"The Parties to the Montreal Protocol are invited to consider further actions that prove warranted and feasible on the basis of these assessments";

(d) In section C, a new paragraph was inserted before paragraph (a), which read as follows:

"Takes note of the report of the Secretary-General of the Conference on Protection of the atmosphere: transboundary air pollution (A/CONF.151/PC/59)".

C. Transboundary Air Pollution

The Preparatory Committee,

(a) Agrees, also taking into account the potential legal conflicts over transboundary damage and the need for cooperative arrangements to deal with major accidents and environmental emergencies, on the following with regard to Agenda 21, in relation to transboundary air pollution:

(i) All States should be urged to ensure a more balanced geographical coverage of the Global Atmosphere Watch network coordinated by the World Meteorological Organization, by facilitating, where appropriate - through multilateral and bilateral funding - the establishment and operation of additional monitoring stations in developing countries; and by contributing to the development of emission inventories and further basic information on air pollution, with special emphasis on human health and environmental impacts, including in urban areas;

(ii) Parties to the Convention on Long-range Transboundary Air Pollution should participate in the ongoing review process, with a view to strengthening its implementation;

(iii) The parties to the Convention on Long-range Transboundary Air Pollution should be encouraged to (1) share with developing countries the ongoing process of monitoring, modelling, assessment and information exchange on the best available technologies for control of emissions from stationary and mobile sources of air pollution, and (2) to make available multilateral and bilateral funding to facilitate the participation and training of experts from developing countries, for example, in the context of the relative regional programmes of the Economic Commission for Europe;

(iv) Appropriate international organizations, in cooperation with regional and/or subregional organizations concerned, should be encouraged to identify areas that could benefit from similar cooperative programmes for transboundary air pollution monitoring and abatement, including the environmental impacts of air pollution resulting from natural disasters and the deliberate and/or accidental destruction of natural resources.

A/CONF.151/PC/WG.I/L.33/Rev.

4 September 1991

PREPARATORY COMMITTEE FOR THE UNITED NATIONS
CONFERENCE ON ENVIRONMENT AND DEVELOPMENT
Third Session
Geneva, 12 August - 4 September 1991
Working Group I
Agenda Item 2

PROTECTION OF THE ATMOSPHERE

Decision Proposed by the Chairman

Protection of the Atmosphere: Options for Agenda-21

The Preparatory Committee,

Having considered documents A/CONF.151/PC/60, A/CONF.151/PC/42/Add.1, and A/CONF.151/PC/WGI/L.25/Rev.2,

Recalling decision 2/8, in particular paragraph (f),

1. Notes the following:

(a) that document A/CONF.151/PC/WGI/L.25/Rev.2 (contained in an annex to this document) contains the following programme areas:

A. PROMOTING THE ENERGY TRANSITION
B. INCREASING ENERGY EFFICIENCY
C. PROMOTING RENEWABLE ENERGY SOURCES
D. PROMOTING TRANSPORT SYSTEMS WHICH ARE SPECIFICALLY SAFE AND ENVIRONMENTALLY SOUND

(b) that the proposals contained in Programme Areas A-D could be a basis for further discussions/negotiations. A number of points will, however, need detailed consideration at the next session of the Preparatory Committee, particularly those in brackets.

(c) Programe areas on Industry, agriculture and forestry, consumption patterns and life styles and uncertainties with regard to the atmosphere have not been considered in detail during this session, even though a

number of comments were made in the course of the discussion. Negotiation of these programme areas will take place at the fourth session.

(d) delete

(e) It is understood that final agreement on the contents of document A/CONF.151/PC/WGI/L.25/Rev.2 will be dependent on a satisfactory outcome of the negotiation of Agenda-21 as a whole. Further, in all areas under consideration by the INC on climate change, finalization of the formulation of Agenda-21 will have to reflect the outcome of the negotiation of a Framework Convention on Climate Change.

2. Requests the UNCED Secretary General, that in addition to the energy and transport sectors, proposals be also presented for Basis for Action, Objectives and Activities for the areas mentioned under paragraph 1.(c) above, for the fourth session.

3. Further requests the UNCED Secretary General to integrate in the proposals provisions for means of implementation, in accordance with the general decision on Agenda-21.

4. Invites governments to submit any additional comments to document A/CONF.151/PC/WGI/L.25/Rev.2 in writing to the Secretariat of UNCED before 1 October 1991.

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PREPARATORY COMMITTEE FOR THE UNITED NATIONS
CONFERENCE ON ENVIRONMENT AND DEVELOPMENT
Third Session
Geneva, 12 August - 4 September 1991
Working Group I
Agenda Item 2

PROTECTION OF THE ATMOSPHERE

Proposal submitted by the Chairman

Protection of the Atmosphere: Options for Agenda 21

INTRODUCTION

1. The Atmosphere component of Agenda-21 is flexible and evolving. The INC negotiations on climate change address many of the issues contained in the following text. In so far as the following proposals refer to climate related activities discussed by the INC, they should not preempt, duplicate or be interpreted as prejudging the INC negotiations concerning questions that may arise, and be discussed there, such as general objectives and commitments, standards, conditionality, institutional arrangements and mechanisms for funding incremental costs.

2. [Six][Eight] major programme areas are proposed with regard to the protection of the atmosphere, for the relevant sectors - energy, transport and industry, which are major sources of atmospheric pollution. Programme Areas A-C in particular could be organized under the overall heading of "Promoting Environmentally [Safe and] Sound Energy Development". The Programme areas are as follows:

A. PROMOTING THE ENERGY TRANSITION
B. INCREASING ENERGY EFFICIENCY
C. PROMOTING RENEWABLE ENERGY SOURCES
D. PROMOTING ENVIRONMENTALLY SOUND AND SUSTAINABLE TRANSPORT SYSTEMS
[E. PROMOTING INDUSTRIAL DEVELOPMENT THAT DOES NOT ADVERSELY IMPACT THE ATMOSPHERE
F. PROMOTING AGRICULTURAL DEVELOPMENT THAT DOES NOT ADVERSELY IMPACT THE ATMOSPHERE
G. PROMOTING SUSTAINABLE ENERGY CONSUMPTION PATTERNS AND LIFE STYLES
H. ADDRESSING THE UNCERTAINTIES]

{Note: One country suggested that these programme areas should be divided into those dealing with energy consumption on the one hand, and energy production on the other.}

A. Promoting the Energy Transition

Basis for Action

3. Most of the World's energy for human consumption is produced and used

today in unsustainable ways. The World must continually strive for energy development paths that are increasingly sound environmentally. This will require a transition to Environmentally [Safe and] Sound Energy Systems (ESES). Conventional, as well as new and renewable energy sources should be used in ways which respect the environment, subject to the imperative requirements of meeting basic human needs. There is a considerable scope for improvement in all the sectors. The path to increased reliance on environmentally [safe and] sound energy systems must be vigorously pursued.

Objectives

4. The long-term objective is to implement an energy transition from the present polluting and wasteful energy production and consumption patterns, toward one relying on environmentally [safe and] sound energy systems (ESES), increasingly based on efficiency in energy production, transmission and consumption, as well as on the use of renewable sources of energy. Fossil fuels and other conventional energy sources will continue to be important, and consequently it is essential that new developments employ the most efficient and least polluting technologies[, taking into consideration the Capital/Output ratio in the case of developing countries.]

5. Countries should/could set objectives for increasing the contribution of ESES to their energy supply and consumption mix, in particular through the promotion of the development of alternative and less polluting technologies.

6. Developing countries [and countries with economies in transition] will need considerable increases in energy consumption to support economic and social development efforts, even if the most energy efficient technologies are utilized. Increasing the availability of energy supplies in economically and environmentally [safe and] sound ways is a major priority.

7. The energy transition will entail major changes in the patterns of energy production and consumption[, especially in so far as fossil fuels [and nuclear energy] are concerned]. In this context, special consideration will need to be given to developing countries, and economies heavily dependent on the production, exports and/or consumption of fossil fuels, to ensure that the transition does not adversely affect their development, taking into account the rights of each country to choose its own path to the transition. Furthermore, the energy transition should not lead to the promotion of existing or new energy technologies that are unsafe and have significantly more adverse environmental impacts.

8. In order to fulfill the increasing energy requirements of developing countries, and to enable them to make progress on the energy transition, ways and means will need to be identified to ensure funding and technology transfer, consistent with United Nations General Assembly resolution 44/228, with a view to fulfil the objectives of the Conference, in particular those stipulated in Section I, paragraph 15, sections (j) and (k).

9. Activities

a. Energy Supply Development

Recognizing the need for increasing energy supplies in developing countries, developed countries, the relevant UN bodies, inter-governmental organizations, and financial institutions, the private sector as appropriate, should/could cooperate with developing countries to achieve increased energy supplies to support their development efforts, taking into account environmental considerations.

b. Availability of Energy Technologies

Developed countries should/could cooperate with developing countries [and countries with economies in transition] to enable them to acquire or develop the relevant new, technologies, practices and policies.

c. Incorporation of Environmental Costs

Governments, in cooperation with relevant UN Agencies should/could develop mutually agreeable and comparable methodologies and criteria for incorporating the full costs of the environmental impacts caused by the production, transmission and consumption and treatment/disposal of wastes generated, of energy into the price of energy, to facilitate full environmental costing of energy in all countries[, particularly those with high per capita energy consumption levels].

d. Increasing the Contribution of ESES

Countries [with high per capita energy consumption levels] should/could re-examine current energy supply mixes to determine how increased reliance on ESES could be pursued in cost-effective manner, in the light of their unique social, physical, economic and political characteristics. To facilitate this, countries should/could coordinate their energy plans regionally, where applicable. Countries should/could also exchange information on their energy and environment situations in order that all could learn from each other on how to best pursue sustainable energy development.

e. Research Priorities on ESES

Countries and regional economic integration organizations should/could, [to the maximum extent possible, increase their][review priorities for] research and development of ESES. In addition to technology development, energy management practices and policies, barriers to relevant technology transfer and market penetration of technologies, including new ones may need to be examined.

f. Integration of Environment into Energy Decision Making

Governments, at local, regional and international levels, industry as well as the private sector should/could seek to incorporate environmental concerns into their decision making concerning energy production and use.

g. Integrated Energy-environment Planning

Governments and international organizations, with special support from the developed countries should/could cooperate in the development of appropriate methodologies for the making of integrated energy-environment policy decisions. Governments should/could be encouraged to carry out environmental assessments of policy decisions and projects. Such assessments should/could be made widely available, including harmonized inter-country analyses.

h. Education and Awareness

Education and awareness raising programmes at the local, national and international levels concerning energy efficiency, environmentally [safe and] sound energy systems, should/could be introduced or intensified.

i. Information

Countries, in cooperation with the relevant United Nations bodies, international and regional and sub-regional bodies, and NGOs, should/could give priority to strengthening their efforts at collecting, analyzing and disseminating relevant information.

j. Capacity building

Countries, in cooperation with the relevant United Nations bodies and international donors, and NGOs, should/could mobilize technical and financial resources, and facilitate technical cooperation to developing countries [and countries with economies in transition] to reinforce their technical, managerial, planning and administrative capacities to develop, and implement environmentally [safe and] sound energy systems.

[k. Review of Public Financial Institutions

Countries should/could ensure that public financial institutions, at the national and international level, review their programmes to determine the extent to which they are contributing to or promoting investments that encourage the use of environmentally [safe and] sound energy systems, and consequently to better serve environmental and developmental objectives.]

10. Means of Implementation

{The cross-sectoral issues which have a bearing on this programme area will be included under this section following their discussion, for the 4th session of the PrepCom.}

B. INCREASING ENERGY EFFICIENCY

Basis for Action

11. While there are different ways of defining energy efficiency, it is generally accepted that efficiency in the production, transmission and consumption of energy are key areas to support the overall transition to a more sustainable energy future. Options for improving energy efficiency exist with the potential for producing multiple environmental and economic benefits. Where cost effective, such options should/could be pursued. Actions and technologies should be tailored to the unique social economic and political and physical characteristics of each country. Options which are cost effective in developed countries may not be cost effective in developing countries. [Moreover, even cost effective options can be adopted only where the requisite capital resources are available.] [Nonetheless many cost effective actions exist in all countries which can be adopted immediately.]

Objectives

12. Countries and the [EC][regional integration organizations], international and intergovernmental organizations should/could take steps, and cooperate to ensure that energy efficiency and promotion of less energy intensive technologies are undertaken, taking into account the differences between [developed and developing countries][countries at different stages of development] [, and other differing national circumstances].

[13. [Developed] Countries and the [EC][regional integration organizations], [as well as relevant UN and intergovernmental organizations] should/could increase their institutional capacities and policy focus [to support the management of energy demand and, where appropriate, the reduction of fossil fuel use or its growth per unit of output in the major energy using sectors,] in order to increase output per unit of energy input and reduce the environmental impacts per unit activity.]]

14. Countries, and the [EC][regional integration organizations], [international and intergovernmental organizations, [new] international funding mechanisms] should/could endeavour to help the developing countries [and countries with economies in transition] increase their capacity, to enable them to undertake the necessary technical, research, development and adoption measures.

15. Activities

a. Planning for Energy Efficiency

Planning for energy efficiency should/could, as much as possible, be adopted by countries, as well as by the private sectors taking into account regional and sub-regional energy planning, where appropriate. The use of planning for energy efficiency would be encouraged in all sectors, public and private.

b. Pricing and other Economic Mechanisms

Governments, in collaboration with United Nations and other international organizations, and, as appropriate with the private sector should/could examine economic and other policies, which may lead to inefficient energy production and use, [such as the incomplete inclusion of the full costs of the environmental impacts caused by the production, manufacture, transmission and consumption of energy in the energy price], and seek to remove policies leading to inefficient energy use through policy measures available to them.

c. Setting of Energy Efficiency Standards

[Developed]Countries and the [EC][regional integration organizations] should/could strengthen existing and/or create new energy efficiency standards on specific technologies and for economic sectors, as appropriate. These should/could be coordinated at regional levels, where relevant. Such standards should provide ongoing incentives for more efficient energy use, with special attention being paid to the promotion of the development and use of [alternative] and less polluting technologies.

[d. Technical Cooperation on Efficiency Measures

Specific case studies in developing countries could be initiated by INC and other appropriate agencies, on a priority bases, to determine energy consumption patterns, the identifications of areas where energy efficiency improvements are required and the technologies, facilities and cost that are required to improve energy efficiency, bearing in mind the needs to minimize atmospheric emissions.]

e. Availability of Efficient Energy Technologies

Developed countries should/could cooperate with developing countries [and countries with economies in transition] to enable them to acquire or develop the relevant new, energy efficient technologies, practices and policies[, inter alia through meeting incremental costs].

f. Education and Awareness

Education and awareness raising programmes concerning the benefits and applicability of energy efficiency measures at the local, national, regional and international levels should/could be introduced or intensified.

g. Information

Countries, in cooperation with the relevant UN bodies, international and regional and sub-regional bodies, and NGOs, should/could give priority to strengthening their efforts at collecting, analyzing and disseminating relevant information.

h. Capacity building

Developed Countries, [in cooperation with the relevant United Nations bodies and international donors, and NGOs,] should/could mobilize technical and financial resources, and facilitate technical

cooperation to developing countries [and countries with economies in transition] to reinforce their technical, managerial, planning, administrative [and financial] capacities to develop, and implement efficient energy systems.

16. Means of Implementation

{The cross-sectoral issues which have a bearing on this programme area will be included under this section following their discussion, for the 4th session of the PrepCom.}

C. PROMOTING RENEWABLE ENERGY SOURCES

Basis for Action

17. The path to increased reliance on renewable, environmentally [safe and sound] energy systems must be pursued.

{Notes: This Programme Area will be further developed as the formal report of the United Nations Inter-governmental Committee on New and Renewable Sources of Energy becomes available by the 4th session of the PrepCom.}

Objectives

18. The long-term objective of this programme area is to implement an energy transition from the present polluting and wasteful energy patterns, to one increasingly relying on the application of environmentally sound, renewable energy systems [, which in the long-term should/could provide increased stability and security in energy supply].

19. To facilitate this, countries should/could [set objectives of, and] develop economic and other policies for increasing or keeping high the contribution of renewable energy sources to the supply mix. [Regional and global indicative goals should/could also be set, and national and international indices for reliance on renewable energy sources [applicable to developed countries] should/could be made available.] Countries should/could increase the amount of money devoted to research and development for energy systems using renewable sources. [The long-term objective is to reverse the present situation, where most money is spent in conventional energy systems.]

20. Activities

a. Increasing the Contribution of Renewables

Countries [particularly countries with high per capita energy consumption] should/could seek to increase the contribution of renewable sources of energy to the overall supply mix, on the basis of availability, and where justified on the basis of economic cost effectiveness and overall environmental costs.

b. Research Priorities on Renewables

[Developed] Countries, [as well as regional and international bodies,] should/could agree to review research priorities [to ensure, where appropriate substantially increased funding to][for] research and development on, and application of renewable sources of energy[, and promote research in developing countries], [as far as possible, research and development should be in the public domain, to facilitate transfer and diffusion of new technologies].

c. Increasing the Contribution of Biomass

Developed countries and international organizations should/could cooperate to increase the availability of capacity in developing countries [and countries with economies in transition] to produce

environmentally sound biomass-based fuels, such as fuelwood or methanol, and to promote alternatives, in order to foster development and minimize unsustainable environmental stress and health impacts from the combustion of biomass, recognizing that the issue of energy from biomass is not just a technical issue, but one involving managing local renewable resources in a sustainable manner.

d. Local Application of Renewables

Activities should be directed at the local applications and adaptation of viable (defined locally) renewable energy resources.

e. Education and Awareness

Education and awareness raising programmes concerning the benefits and applicability of renewable energy at the local, national, regional and international levels should/could be introduced or intensified.

f. Information

Countries, in cooperation with the relevant UN bodies, international and regional and sub-regional bodies, and NGOs, should/could give priority to strengthening their efforts at collecting, analyzing and disseminating relevant information.

g. Capacity building

Countries, in cooperation with the relevant United Nations bodies and international donors, and NGOs, should/could mobilize technical and financial resources, and facilitate technical cooperation to developing countries [and countries with economies in transition] to reinforce their technical, managerial, planning and administrative capacities to develop, and implement renewable energy systems.

21. Means of Implementation

{The cross-sectoral issues which have a bearing on this programme area will be included under this section following their discussion, for the 4th session of the PrepCom.}

D. PROMOTING ENVIRONMENTALLY SOUND TRANSPORT SYSTEMS

Basis for Action

22. There is need for a wide-ranging [review of existing transport systems][response], involving vehicle emissions and fuel efficiency, the reorientation and management of traffic and transport systems, and infrastructural issues including land use and urban planning. Special attention should/could be given to public transport (mass transit)[and to means of transport based on low emission energy sources].

Objectives

23. The general objective is to implement measures [particularly in developed countries] to limit further harmful atmospheric emissions from the transport sector, covering road, rail and air transport systems, thereby contributing to the international response to the threat of climate change, as well as reducing local and regional air pollution, taking into account the specific local and national circumstances.

24. An immediate objective is to ensure that developing countries are assisted to develop further their transportation systems to support economic development efforts, in environmentally sound ways[, through the provision of funding for the incremental costs].

25. Special attention should be given to urban and metropolitan areas, where transport produces the majority of atmospheric emissions.

26. Activities

Many of the actions in the Programme Areas for the Energy Transition, Energy Efficiency, and Renewable Energy are relevant here. Options include the use of standards, economic instruments, information and awareness raising programmes.

[a. UN Conference on Sustainable Transport Systems

The United Nations should study the feasibility of convening and the scope of an international conference on transport and the environment. Such a conference could involve governmental representation, relevant international organizations, as well as the private sector, such as automobile manufactures.][The United Nations could initiate the preparation of an international conference on transport and the environment, which could be held in 1994 or 1995. The Conference could also involve the automobile manufacturers with a view to agreements on long-term improvements of fuel performance and emission standards.]]

b. Fuel Performance & Emission Standards

[Developed] Countries and the [EC][regional integration organizations] should/could strengthen existing and/or create new national fuel performance and emission standards[, to be coordinated regionally or globally, as appropriate] [, and to be compatible with internationally accepted criteria and norms].

c. Use of Economic Incentives

[[Developed] Countries and the [EC][regional integration organizations] should/could introduce economic mechanisms, including pricing which discourage large fuel-consuming and polluting vehicles and encourage [environmentally sustainable transportation systems][alternative fuels and less polluting transportation means]. In particular, they should/could seek to remove possible policy distortions that lead to unsustainable transport systems, and tend to ensure, to the extent possible that transport providers bear the marginal costs associated with the transport, including the social and environmental costs.]

d. Promotion of Mass Transit

Countries should/could review the means at their disposal to promote more efficient and less polluting mass transit, and[, where financially feasible] prepare appropriate plans to implement these, including through the removal of existing policy distortions.

e. Education and Awareness

Education and awareness raising programmes concerning transport and the environment at the local, national, regional and international levels should/could be introduced or intensified.

f. Information

Countries, in cooperation with the relevant UN bodies, international and regional and sub-regional bodies, and NGOs, should/could give priority to strengthening their efforts at collecting, analyzing and disseminating relevant information.

g. Capacity building

Countries, in cooperation with the relevant United Nations bodies and international donors, and NGOs, should/could mobilize technical and financial resources, and facilitate technical cooperation to developing countries [and countries with economies in transition] to

reinforce their technical, managerial, planning and administrative capacities to develop, and implement sustainable transport systems.

27. Means of Implementation

{The cross-sectoral issues which have a bearing on this programme area will be included under this section following their discussion, for the 4th session of the PrepCom.}

{Note: The following sections have not been discussed at the third session of the PrepCom, and consequently the whole text from here to the end is in square brackets.}

[E. PROMOTING INDUSTRIAL DEVELOPMENT THAT DOES NOT ADVERSELY IMPACT THE ATMOSPHERE

{Note: This section is to be developed by the 4th Session of the PrepCom}

F. PROMOTING SUSTAINABLE CONSUMPTION PATTERNS AND LIFE STYLES

{Note:

Energy Consumption Patterns and Life Styles, while crucial in the energy sector, is equally important in all the other economic sectors, such as in Agriculture, Industry, Forests, etc., and consequently also needs to be dealt with at those levels.}

Basis for Action

28. Most of the atmosphere-related environmental problems stem from an overuse of energy by the affluent. This is reflected by the wide variations in per capita energy consumption levels between countries with comparable levels of income, as well as between different socio-economic sectors within countries. There is an urgent need to promote sustainable life styles and energy consumption patterns.

29. At the same time, basic energy service requirements of a majority of the world's population are not being met. There must now be a concerted effort to provide all inhabitants of this planet, on an equitable basis, with sufficient energy services for sustainable development.

Objectives

30. [Developed] Countries should/could develop [Sufficient][Maximum] Energy Service Requirements, develop plans, incentives, and other means at their disposal to [manage][restrict] energy consumption accordingly.

31. Developing countries should/could accelerate efforts to provide adequate energy services to all their citizens, to ensure sustainable development and decent livelihoods.

32. Activities

a. [Managing][Restricting] Energy Consumption

[Developed] Countries should/could promote sustainable life-styles in all areas of energy consumption, inter alia, through research and study of possible economies and by incorporating global environmental costs into energy prices.

b. Studies on Energy Use and Sustainable Development

Relevant UN bodies should/could conduct and encourage studies on sustainable life-styles in relation to energy consumption, including studies on [Maximum][Sufficient] Energy Service Requirements.

c. Indicators of Energy Service Requirements

Countries, especially the developing countries should/could develop indicators for Basic Energy Service Requirements, make them an integral part of conditions for sustainable livelihoods, and develop plans for everybody to have access to these. Countries should/could also develop indicators for Sufficient Energy Service Requirements, and develop plans to not go beyond these. These indicators are to be used for domestic purposes only, as their inter-country comparison may be meaningless.

d. Consumption Patterns

In addition to energy efficiency measures, countries could promote less energy intensive life styles and economic activities, to ensure that energy efficiency gains are not offset by increased activities.

e. Promotion of Waste Minimization

[Developed] Countries and the [EC][regional integration organizations] should/could support initiatives promoting clean technologies, waste minimization and recycling with a view to reducing pollution, including greenhouse gas emissions.

f. Global Ceiling on Per Capita Energy Consumption

Negotiations should/could be held in the appropriate UN forum to conclude a global agreement fixing a mutually agreed common ceiling on per capita energy consumption/ carbon dioxide emissions therefrom, applicable uniformly to all countries.

33. Means of Implementation

{The cross-sectoral issues which have a bearing on this programme area will be included under this section following their discussion, for the 4th session of the PrepCom.}

G. ADDRESSING THE UNCERTAINTIES: ATMOSPHERE

Basis for action

34. Substantial knowledge of the environmental and development issues related to the atmosphere has been gained through international cooperation and exchange of data and information to all nations. However, concern with climate change, air pollution, and ozone depletion has created new demands for scientific and economic information. Better understanding of physical, chemical and biological properties of the affected ecosystems, as well as health impacts are needed, through expanded and strengthened research programmes, through comprehensive observing systems to detect trends, variations and changes in these ecosystems in a timely manner. Better understanding of the economic, social and political implications of changes, of the effects of these changes, and of possible response to those changes are also needed.

Objectives

35. Countries and the [EC][regional integration organizations] should/could agree to promote cooperation in conducting research to improve the understanding of the physical, chemical, biological, economic and social processes that influence and are influenced by the Earth's atmosphere global, regional and local scales.

36. Countries should/could agree to promote developing and maintaining systematic observations of ecosystems as well as health impacts affected by human activities in the energy, industry and transport sectors, and to exchange these data and information to the fullest extent possible.

37. Countries and regional economic integration organizations, in cooperation with intergovernmental and international organizations, should/could cooperate with developing countries and with economies in transition in building their capacity to conduct this research and data collection, and to participate in the exchange of the resulting information.

38. Activities

a. Identification of Priority Research Areas

The relevant United Nations bodies, in cooperation with Governments, industry, research institutions, and NGOs and within the framework of existing research programmes, such as the WCRP and the IGBP should/could identify priority areas of scientific, technical, and socio-economic research related to the critical linkages between the environmental and development issues arising in the energy, transport and industry sectors, as they relate to the atmosphere.

b. Information Sharing

Countries should/could promote the full and open exchange of data and information.

c. Early Detection Systems

The relevant United Nations bodies, in cooperation with countries and NGOs should/could promote cooperation in the development of early detecting systems concerning changes in the atmosphere, resulting from impacts from energy, industry and transport.

39. Means of Implementation

{The cross-sectoral issues which have a bearing on this programme area will be included under this section following their discussion, for the 4th session of the PrepCom.}]

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end

FORÊTS

RÉSUMÉ

Une fois de plus, pendant la troisième réunion du Comité préparatoire (Prepcom III), la question des forêts s'est avérée être le centre de l'attention du Groupe de travail I bien que le débat ait causé moins de polémiques qu'aux réunions précédentes du PrepCom. Le ton des débats a été aidé par la confirmation de la déclaration du sommet de Londres au sujet du consensus atteint à la fin de la deuxième réunion du PrepCom, selon lequel la CNUED travaillerait désormais en vue d'une déclaration faisant autorité de principe sur les forêts. Il existe encore une possibilité que les travaux s'orientent vers une convention mondiale sur les forêts après la CNUED. Une première lecture d'une déclaration de principe préliminaire a été achevée à la fin de la troisième réunion du PrepCom. La plupart des travaux qui seront nécessaires à la quatrième réunion du PrepCom consisteront à éliminer de nombreuses parties entre parenthèses et à améliorer la structure interne du texte. La quatrième réunion du PrepCom doit aussi examiner le plan d'action pour les forêts que les leaders approuveront à Rio dans le cadre d'Agenda 21 (le Plan d'action pour le XXI[e] siècle).

Documentation

A/CONF.151/PC/64	-	*Background Paper: Conservation and Development of Forests* (Document d'information : Conservation et développement des forêts)
A/CONF.151/PC/6	-	*Guiding Principles for a Consensus on Forests* (Principes directeurs pour un consensus au sujet des forêts)
A/CONF.151/PC/42/Add.3	-	*Options for Agenda 21* (Options pour Agenda 21)
A/CONF.151/PC/WG.I/L.22	-	*Draft Guiding Principles proposed by Ghana (on behalf of G-77)* (Ébauche de principes directeurs proposés par le Ghana au nom de G-77)

A/CONF.151/PC/WG.I/L.24 - *Draft Guiding Principles proposed by Canada* (Ébauche de principes directeurs proposés par le Canada)

A/CONF.151/PC/WG.I/L.35 - *Decision on Forests submitted by Working Group I chairman Bo Kjellen (Sweden)* (Décision relative aux forêts présentée par le président du groupe de travail I M. Bo Kjellen (Suède)

A/CONF.151/PC/WG.I/CRP.14/Rev.1 - *Draft on Contact Group Discussion submitted by the Vice-Chairman, Mr. Charles A. Liburd (Guyana)* (Ébauche au sujet de la discussion du groupe de contact présentée par le vice-président, M. Charles A. Liburd (Guyane)

- *Canadian Intervention on Guiding Principles Canadian Intervention on Agenda 21* (Intervention canadienne au sujet des principes directeurs de l'intervention canadienne relative à Agenda 21

DISCUSSION DU PREPCOM III

À PrepCom III, à Genève, les objectifs du Canada au sujet des forêts étaient présentés en deux volets. Le premier était de travailler en vue de l'approbation à la CNUED d'une déclaration faisant autorité sur les principes directeurs concernant la gestion, la conservation et le développement durable des forêts ainsi qu'un engagement des leaders mondiaux pour entamer les négociations après que la CNUED ait établi une convention juridiquement obligatoire sur les forêts. Le deuxième volet concernait l'élaboration d'Agenda 21 en ce qui a trait aux forêts, qui méritera un engagement politique de haut niveau de la part des leaders à Rio. Les principaux éléments de la position canadienne au sujet des forêts dans le cadre d'Agenda 21 comprennent : 1) la négociation d'une convention mondiale sur les forêts; 2) l'amélioration des dispositions institutionnelles internationales pour les activités forestières, y compris la réforme du TFAP, la renégociation de

l'ITTA et la considération éventuelle d'un nouvel organisme mondial concernant les forêts; et 3) les engagements des pays à des limites cibles pour le «verdissement du monde» en maintenant les forêts existantes et en en créant de nouvelles.

Principes directeurs

Le premier problème de procédure lors de cette réunion du PrepCom a été de réaliser un texte acceptable qui servira de base de travail à la négociation d'une déclaration de principe au sujet des forêts. Le secrétariat de la CNUED a déposé un document décrivant des éléments possibles pour une déclaration de principe. Les États-Unis, l'Allemagne, la France et le Canada sont tous arrivés à la réunion du PrepCom avec notre ensemble de principes; la Malaisie en a élaboré un du point de vue d'un pays en voie de développement. Après que les déclarations générales aient été faites, le G-77 a déposé sa propre ébauche d'ensemble de principes. Après deux jours de discussions de procédures, le texte a été accepté comme base de discussion, après une série de modifications ajoutant de nouveaux principes au texte, proposés en grande partie par le Canada empruntant les termes du document du secrétariat.

Ensuite le groupe a consacré deux semaines supplémentaires à progresser lentement sur le texte de négociation. Un grand nombre de pays industrialisés et en voie de développement ont participé activement au débat, y compris les États-Unis, les Pays-Bas (pour la CE), le Royaume-Uni, le Japon, la Norvège, la Suède, la Finlande, l'Australie, la Nouvelle-Zélande, l'URSS, la Malaisie, la Chine, l'Inde, le Kenya, l'Ouganda, la Zambie, le Brésil, la Bolivie et le Mexique.

La première lecture de la proposition des principes directeurs relatifs à la gestion, la conservation et le développement durable des forêts a été finalement achevée le mardi 27 août. Le jeudi 28 août, le secrétariat a diffusé une version dactylographiée dans laquelle le président Liburd (Guyane) a réorganisé le texte en quatre domaines. La Malaisie s'est opposée à cette subdivision du texte parce qu'elle rapprocherait les principes de l'ébauche vers un prototype de convention future relatif aux forêts. Par la suite, on a dû abandonner cette proposition de subdivision.

Bien que l'on ait prévu que le texte dactylographié serait soumis à une deuxième lecture, le groupe de travail I n'a pas eu suffisamment de temps pour le faire. À la demande de l'Inde, les délégations ont été autorisées à présenter des principes additionnels dans le texte jusqu'à la fin de la réunion du PrepCom et, par entente commune, ils seront traités comme s'ils étaient entre parenthèses. Le texte qui se trouve dans le document CRP/14/Rev.1 constituera la base de négociations concernant les forêts au début de la quatrième réunion du PrepCom.

Agenda 21

Bien que d'une moindre importance dans les discussions en matière de forêts, Agenda 21 (le Plan d'action pour le 21e siècle) pour toutes les questions que doit examiner la CNUED, comprend aussi l'étude des forêts. Étant donné qu'Agenda 21 doit être approuvé par les leaders mondiaux à Rio, la section relative aux forêts doit être en mesure de proclamer une proéminence appropriée dans ce document. Malheureusement, l'ébauche du secrétariat de la CNUED est plutôt un ensemble récitatif orienté sur le traitement des demandes nationales des services forestiers établies - plus d'inventaires, plus de recherches, plus de plantations, etc, (c'est-à-dire plus de la même chose). Il y manquait la touche politique et c'était un ordre du jour rédigé par des forestiers pour des forestiers.

En ce qui concerne Agenda 21 au sujet forêts, le Canada s'intéresse à promouvoir une entente au sujet des cibles flexibles volontaires portant sur la portée et la qualité de la couverture de forêts qui pourrait être établie sur une base nationale par les gouvernements nationaux. Nous sommes aussi intéressés à améliorer les systèmes de surveillance nationaux et mondiaux pour évaluer l'état des forêts. Cela sera destiné en général à l'examen des progrès de conservation et de développement durable des forêts. En particulier, cela permettrait de mesurer les succès des gouvernements à se conformer aux objectifs qu'ils se sont imposés. Qui plus est, le Canada propose que les États aient une responsabilité de gestion dans l'exportation de leurs produits d'un manière qui favorise le développement durable de leurs forêts.

Le Canada a mené les débats au sujet d'Agenda 21 et a soutenu que «nous avons besoin de présenter Agenda 21 en des termes qui attirent l'attention des leaders du monde et suscitent leur engagement politique pour la conservation et le développement durable des forêts du monde.» L'essentiel de notre proposition visant les buts volontaires nationaux pour la couverture globale des forêts, la couverture permanente des forêts et les forêts protégées est décrit à la page 4 de notre intervention.

Il n'y eut pas de consensus au sujet de l'ébauche d'Agenda 21 de la CNUED. La Communauté européenne, les États-Unis, le Japon et le Canada ont élaboré des propositions distinctes afin d'améliorer Agenda 21 et nous nous attendons à ce que d'autres nations en fassent autant. Nous avions espéré avoir l'occasion d'offrir nos propositions pour les inclure dans la décision de la troisième réunion du PrepCom. Toutefois, une fois de plus, il n'y avait plus suffisamment de temps pour discuter en détail Agenda 21 et, dans les décisions finales, les pays se sont vus accorder jusqu'au 1er octobre 1991 pour présenter des propositions pour Agenda 21. La délégation canadienne présentera les siennes après une analyse plus approfondie à Ottawa.

RÉSULTATS ET ÉVALUATION

L'ébauche des principes régissant les forêts contenus dans le document CRP.14/Rev.1 a huit paragraphes préliminaires et 17 paragraphes sous le titre de «Principes/Éléments». Ce qui suit est un résumé succinct des principaux éléments de chaque paragraphe. (Étant donné que dans de nombreux endroits, le texte est répétitif et renferme des éléments non liés dans un même paragraphe, les notes suivantes n'essayent pas de déterminer tous les points importants du texte).

Les paragraphes préliminaires traitent du but et de la portée des principes liés aux forêts. Le paragraphe c) répète la conclusion de la décision de la réunion du PrepCom II concernant les forêts selon laquelle «Le processus de la CNUED est le forum le plus approprié pour les décisions concluantes se rapportant à un consensus mondial au sujet des forêts...» la Communauté européenne a proposé l'addition, entre parenthèses, après cette phrase «[qui doit être la base de [toute préparation et adoption subséquentes d'un instrument juridique concernant les forêts]...» en vue d'établir un repère pour la future discussion de la question de la convention.

Sous les titres Principes/éléments, le paragraphe 1 traite de la souveraineté sur les ressources forestières et précise les droits à fixer le développement des forêts et les principes de partage des charges dans la protection des forêts.

Le paragraphe 2 renferme une définition des forêts. Il affirme que les États ont le droit de fixer les objectifs de leurs politiques de gestion des forêts. Il inclut aussi les propositions canadiennes qui traitent de la nécessité d'une participation populaire à la prise de décision relative aux politiques en matière de forêts et de la nécessité pour les gouvernements de fournir un flux opportun et précis de renseignements relatifs aux forêts comme base de compréhension publique et de prise de décision informée.

Le paragraphe 3 étudie les vastes buts des politiques forestières nationales et comprend la proposition canadienne selon laquelle «chaque état a la responsabilité d'établir des plans [y compris des objectifs individuels et des calendriers] pour la gestion, la conservation et le développement durable de tous les types de forêts...».

Le paragraphe 4 traite des fonctions écologiques des forêts et de leur rôle comme source de biodiversité et biotechnologie.

Le paragraphe 5 traite du rôle social des forêts, y compris de leur importance pour les peuples indigènes et le rôle des femmes dans la gestion des forêts.

Le paragraphe 6 étudie la question des forêts comme source d'énergie. Il comprend un sous-principe, introduit par la Nouvelle-Zélande, traitant des apports faits par les plantations de forêts.

Le paragraphe 7 couvre les rôles économiques des forêts et inclut des propositions traitant de la compensation économique de la part des utilisateurs de forêts en vue de répondre aux besoins environnementaux des forêts protégées.

Le paragraphe 8 examine les vastes objectifs de maintien et d'augmentation de la couverture forestière ainsi que d'un certain nombre d'inquiétudes non liées, y compris la nécessité de dispositions institutionnelles appropriées concernant les forêts et le partage des profits provenant des ressources génétiques des forêts.

Le paragraphe 9 traite de la relation entre la pauvreté, la dette, le flux négatif des ressources des pays en voie de développement et la cause de la déforestation.

Les paragraphes 10 et 11 traitent des principes de fourniture de ressources financières pour compenser les pays en voie de développement en vue de protéger leurs forêts.

Le paragraphe 12 couvre les buts des transferts de technologie pour améliorer la conservation des forêts.

Le paragraphe 13 couvre la nécessité de la recherche scientifique, de la surveillance et d'échange de renseignements au sujet de la gestion des forêts et l'importance de la connaissance locale concernant la gestion des forêts.

Les paragraphes 14 et 15 traitent des principes de commerce et de fixation des prix des produits forestiers.

Le paragraphe 16 étudie le contrôle des polluants qui affectent les forêts.

Le paragraphe 17 précise le rôle des forêts dans le cycle du carbone qui doit être reconnu dans les plans forestier nationaux.

Globalement, à la suite de PrepCom III, la question des forêts à la CNUED se trouve désormais sur une voie productive et fournira un ensemble inestimable de principes forestiers que les leaders vont approuver à Rio. Le défi pour les délégations à la quatrième réunion du PrepCom sera cependant d'injecter suffisamment d'engagements substantiels dans les principes forestiers et encore plus dans Agenda 21 pour répondre aux très grandes espérances du public qui attend de la CNUED qu'elle agisse dans ce domaine.

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PREPARATORY COMMITTEE FOR THE UNITED NATIONS
CONFERENCE ON ENVIRONMENT AND DEVELOPMENT
Third session
Geneva, 12 August-4 September 1991
Working Group I
Agenda item 3 (a)

LAND RESOURCES: DEFORESTATION

Revised draft decision submitted by the Chairman

Forests

The Preparatory Committee,

Having considered documents A/CONF.151/PC/64, A/CONF.151/PC/65, A/CONF.151/42/Add.3 and decisions 1/14 and 2/13 on forests,

1. Recalls

(a) its decision 2/13,

(b) that there has been in-depth discussion at this session on such a text as contained in document CRP.14 and that comments or additions submitted by Governments to the Chairman during the third session will be included in CRP.14/Rev.1, which will be considered at the fourth session of the Preparatory Committee;

2. Notes that document A/CONF.151/PC/42/Add.3 on Agenda 21 on forests has not been considered in detail by the Preparatory Committee;

3. Invites Governments to submit to the secretariat of the Conference not later than 1 October 1991 further proposals for Agenda 21 on forests. These proposals and the views expressed at the third session of the Preparatory Committee will be taken into account in a document to be prepared by the secretariat for the fourth session of the Preparatory Committee.

4. Decides that, at the fourth session of the Preparatory Committee:

(a) negotiations will take place on a set of authoritative principles on the management, conservation and sustainable development of forests, and

(b) a decision be made on the contents of Agenda 21 with regard to forests against the background of the secretariat document mentioned in paragraph 3 above.

5. Requests the Secretary-General of the Conference to integrate in the proposals under paragraph 3 above, provisions for means of implementation in accordance with the general decision of the Preparatory Committee on Agenda 21.

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3 September 1991
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PREPARATORY COMMITTEE FOR THE UNITED NATIONS CONFERENCE ON ENVIRONMENT AND DEVELOPMENT
Third session
Geneva, 12 August-4 September 1991
Working Group I
Agenda item 3 (a)

LAND RESOURCES: DEFORESTATION

A non-legally binding authoritative statement of principles for a global consensus on the management, conservation and sustainable development of all types of forests

Draft on Contact Group Discussions submitted by the Vice-Chairman, Mr. Charles A. Liburd (Guyana)

PREAMBLE

(a) The subject of [forests and] [forestry] is related to the entire gamut of environmental and development issues and opportunities including [poverty and] [the right to] economic development.

(b) Forestry issues and opportunities should be examined in a holistic and balanced manner within the overall context of environment and development, taking into consideration the multiple uses of forests, including traditional uses, and the likely economic and social stress when these uses are constrained or restricted, as well as the potential for development that sustainable forest management can offer.

(c) The UNCED process is the most appropriate forum for conclusive decisions pertaining to global consensus on forests [which should form the basis for [any subsequent preparations and adoption of a legal instrument on forests] [all other negotiations involving forests]] .

(d) The guiding objective of these principles is to achieve the management, conservation and sustainable development of forests, and to provide for their multiple and complementary uses.

Underlined text denote proposals additional to CRP/14 received by the Secretariat up to 3rd September 1991

(e) [These principles should apply to all existing [and future] forests: austral, boreal, temperate, sub-tropical and tropical.]

(f) [The global consensus on forests should complement and be [co-ordinated] [consistent] with other international initiatives with implications for aspects of forestry, notably the climate change and biodiversity conventions, and existing conventions or treaties.]

(g) [All types of forests embody complex and unique ecological processes which are the basis for their present and potential capacity to provide resources to satisfy human needs and as such their sound management and conservation is of concern to the governments of the countries in which they located.]

(h) Forests are essential to the survival of life. States have always modified their forest areas in order to meet their needs. The extensive historical deforestation by developed countries contributed to their economic growth. Deforestation continues because the causative factors are not easily eliminated as they are primarily related to the unsustainable consumption patterns in developed countries, inadequate prices for forest produce below the full replacement cost, debt burden and poverty of developing countries. Developed countries have the main responsibility for restoring and maintaining an adequate level of global forest cover. This responsibility applies both within their territory as well as to compensate efforts by developing countries without any conditionality.

PRINCIPLES / ELEMENTS

1.

(a) Reaffirm Principle 21 of the Stockholm Declaration - "States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction."

(b) Forest resources and forest lands should be managed in such a manner as to meet human needs for present and future generations.

(c) [The burden of] The incremental cost of forest conservation and [sustainable] development requires increased international cooperation [and should be equitably shared by the international community] [is the responsibility of all countries].

(d) States have the right to develop their forests in accordance with their needs and level of socio-economic development.

2.

(a) [[Forests include [all types of ligneous vegetation including trees and shrubs, either in large or isolated stands] areas under permanent vegetative cover, ecosystems and may house human settlements]. States have the [sovereign] [inalienable] right to [determine the ownership pattern and] utilize, manage and develop their forests in accordance with their development needs and on the basis of national land-use policies consistent with sustainable development and legislation including the need to convert such areas for other uses within the overall socio-economic development plan based on rational land-use policies.]

(b) Forests should be sustainably managed to meet present and future social, economic, ecological, cultural and spiritual human needs for wood and wood products, water, food, fodder, medicine, fuel, shelter, recreation, habitats for wildlife, landscape diversity and other minor forest products. Forests should be protected against harmful effects of air pollution, fires, pests and diseases, [to the extent that is ecologically and economically feasible].

(c) [The provision by governments of the] timely and accurate flow of information on forests and forest ecosystems is essential for public understanding and informed decision making and should be ensured.

(d) Governments should ensure and promote the popular participation of interested parties including local communities, industries, labour, non-governmental organizations and individuals, forest dwellers and women in the development, implementation and planning of national forest policies [and more generally in the decision making process for the conservation and sustainable development of forests][as this] is essential [to ensure that these truly respond to local, national and international requirements.]

3.

(a) National policies and strategies should provide a framework for increased efforts including the development and strengthening of programmes and institutions for conservation and sustainable development of forests and forest lands.

(b) All aspects of environmental protection and social and economic development as they relate to forests and forest lands should be integrated and comprehensive.

(c) [Adequate international and national regulations should be introduced in order to avoid foreign or national exploitation which lead to deterioration or destruction of forests.]

(d) Each state has [should] the responsibility to establish plans [including individual targets and time frames] for the management , conservation and sustainable development of all types of forests, according to national needs and circumstances to achieve country specific objectives and to focus international cooperation.

4.

The vital role of all types of forests in maintaining the ecological balance at local, national, regional and global levels, in particular their role in protecting fragile ecosystems, watersheds and freshwater resources, and as rich storehouses of biodiversity and sources of genetic material for biotechnology products should be recognized and inform national and international action on sustainable development .

5.

(a) The wide range of social and economic functions of all types of forests including use by forest dwellers, local communities and indigenous people who sustain forest resources, should be respected and recognized and taken into account in national policies. [Appropriate conditions for local communities to perform economic activities and [achieve and maintain adequate levels of livelihood, social well-being and cultural identity]] should be promoted.

(b) National forest policy should recognize and respect the rights and interests of forest dwellers, local communities and indigenous people who rely on forests to maintain their livelihood, social organization and cultural identity, as well as their need to have an economic stake in forest use.

(c) The full participation of women in all aspects of management, conservation and sustainable development of forests should be actively promoted [especially in developing countries].

(d) Forest contribute to meeting basic economic needs including requirement of wood, food security, and alleviation of poverty. Afforestation and reforestation also provides a potential for employment generation.

6.

(a) All types of forest play an important role in meeting energy requirements through the provision of a renewable source of bio-energy, particularly in developing countries and the demands for fuelwood for household and industrial needs should be met in ways that [[avoid] [minimize] deforestation and degradation of forests] [through sustainable forest management and reforestation] . To this end the potential contribution of plantations of both indigenous and introduced species for the provision of both fuel and industrial wood, should be recognized.

(b) The demands for fuelwood for household and industrial needs should be met in ways that avoid deforestation and degradation of forests.

(c) All forests provide a broad range of goods and services and [any] decisions taken on the use development and conservation of forest resources forest areas should be based on a full economic accounting, assessment and valuation of these goods and services as well as the environmental costs and benefits.

(d) It is recognized that plantation forestry, while assisting regional employment and development, offers a sustainable and environmentally sound source of renewable energy and industrial raw material, watershed protection and an effective carbon sink.

7.

(a) Efforts should be made to promote a supportive international economic climate conducive to sustained and environmentally sound development of forests in all countries, [which include, inter alia, change in the unsustainable patterns of production and consumption particularly in industrialized countries, [the eradication of poverty and the promotion of food security in developing countries]].

(b) National and international policies and programmes aimed at forest conservation and sustainable development should take fully into account environmental benefits of forests and all aspects related to extraction via conversion, distribution, marketing, demand, consumption, recycling and final disposal of forest products. as well as cultural, social and environmental benefits of forests.

(c) Financial resources for economic adjustment should be provided for the other sectors of the economy of developing countries with substantive forest cover which set aside more than their fair share of undisturbed forests for the purpose of conservation.

(d) Any losses incurred by traditional users in reserving certain forests or modifying existing forest land use in meeting environmental need should be compensated.

8.

(a) Efforts should be undertaken towards the greening of the world [jointly and individually] by all countries [particularly in developed countries, which have in the past so destroyed their extensive forests and continue to do so by acid rains [and the increase in the production of green house gases], to increase their forest cover] through reforestation and afforestation [and conservation of existing forests]. as well as retaining existing forest cover where appropriate.

(b) Efforts to maintain and increase forest cover and forest productivity should be undertaken in ecologically, economically and socially sound ways through the rehabilitation, reforestation and re-establishment of trees and forests on unproductive, degraded and deforested lands, as well as through the management of existing forest resources.

(c) [The implementation of national policies and programmes aimed at forest conservation and sustainable development [in developing countries] [should be supported by international financial and technical cooperation]
[requires provisions of financial and technical support].]

(d) [Appropriate international institutional arrangements, [building on] [taking into account] those organizations and mechanisms already in existence, [should facilitate] [the implementation of national policies and programmes] [of the global consensus, and supervise] provide mechanisms to [follow] [monitor] and participate in its

implementation, to assess progress and to co-ordinate international action.]

(e) [Forest management and utilization of forests should be carried out in accordance with [internationally accepted] environmentally sound [national] guidelines which include effective policies for regeneration]

(f) [Plans for forest management should be integrated with management of adjacent areas, so as to maintain ecological integrity and sustainable productivity.]

(g) [National policies and legislation aimed at management, conservation and development of forests should include the protection of representative and unique examples of native forests [cultural, historical, religious and other unique valued forests of national importance] .]

(h) [Availability of biological resources including genetic material shall be with due regard to sovereign rights of the countries where the forest are located and sharing of technology and profits of bio-technology products, for example pharmaceutical, derived from these resources.]

(i) [National policies should ensure that environmental impact assessments are carried out where policies or programmes pose major potential threats to important forest areas.] .

9.

(a) [The external indebtedness, in particular in developing countries, [the phenomenon of net transfer of resources from developing to developed countries] the inaccurate economic valuation of forest products and the lack of effective market forces are among the major factors that reduce the capacity and ability of [developing] countries to manage, conserve and develop their forest resources and national and international policies should be devised to redress such problems in the broader context of a supportive international economic environment.]

(b) [A number of problems that negatively affect the efforts to attain the conservation and sustainable use of forest ecosystems stem from the factual lack of alternative options available to poor rural populations. Unless those options, in the form of adequate prices for the products of sustainable use and technical aid, [and the development of appropriate and environmental friendly industrial capability] are provided in an internationally cooperative manner, no efforts in restriction of forest use will succeed.]

(c) [A number of problems that negatively affect the efforts to attain the conservation and sustainable use of forest ecosystems stem from the factual lack of alternative options available to poor rural populations. Unless those options, in the form of [alternative sources of forest products are provided to the rural population in the manner of international support, adequate financial and technical help] no efforts in restriction of forest use will succeed.]

(d) [Policy formulation with respect to forests should take account of the pressures imposed on forest ecosystems from causes outside the forest sector both domestically and internationally.]

(e) The lack of alternative options available to local communities in particular the poor populations economically and socially dependent on forest and forest ecosystems should be addressed.

10.

(a) [Developing countries should be compensated for their opportunity cost foregone [including historical loss of primary forest cover,] and the comparatively higher cost entailed [in the short term] by] [international cooperation is required to assist developing countries in meeting the higher cost entailed in] [increasing forest cover as well as sustainable management and conservation of their forest resources [in order to maintain biological diversity and climatic stability].]

(b) [Priority should be given to those forestry activities which are economically and socially necessary to meet national needs. Special assistance may need to be provided where developing countries incur in costs in pursuing activities for the global rather than the national good].

(c) [The incremental costs of the special types of forest for conserving biodiversity and counter green-house emissions gas emissions should be covered by global funding. These funds should be new and additional.]

11.

[[New] [Adequate] and additional] financial resources should be provided to developing countries through [existing mechanisms both bilateral and multilateral] [a global fund] to enable them to sustainably manage, [enhance] , conserve and develop their forests' resources including afforestation, reforestation and combating deforestation, forest and land degradation.

12.

[The transfer of environmentally sound [appropriate] technology to developing countries], [Technology cooperation in environmentally sound technologies] [including on concessional and preferential terms], [Joint development of technology relevant to the conservation and sustainable utilization of biological diversity, including genetic material in gene banks, as well as those technologies that make use of forest resources including biological resources and genetic material for other purposes such as pharmaceuticals, etc] should be promoted to enable developing countries to enhance their endogenous capacity, and to better manage, conserve and develop their forest resources.

13.

(a) Scientific research including forest inventories and assessments, which takes into account the biological, physical, social, economic [and other relevant key variables] carried out by national institutions and the technological development as well as its application in the field of sustainable forest management, conservation and development should be strengthen through effective modalities including international cooperation. In this context attention should also be given to research and development of sustainably harvested non-wood products

(b) [National, and where appropriate, regional and international institutional

aspects of forests and forest management are essential to the conservation and sustainable development of forests and should be strengthened.]

(c) [International exchange of results [of achievements in the field] of forest and forest management research and development should be strengthened and broadened as appropriate , making full use of education and training institutions and the private sector.]

(d) [Appropriate indigenous capacity and local knowledge regarding the conservation and sustainable development of forests should, in collaboration with the people in local communities concerned, be recognized, respected, recorded, developed and compensated through institutional and financial support and introduced in implementation of programmes.]

14.

(a) [Trade on forest products must be consistent with international trade law and practices as embodied for example in the General Agreement of Tariffs and Trade (GATT) and its subsidiary agreements.]

(b) [Removal of tariff barriers,] the provision of better market access and better prices for higher value-added [sustainably managed] forest products and their local processing should be encouraged to enable producer countries to better conserve and manage their renewable forest resources.

(c) [Incorporation of environmental costs and benefits into] market forces and mechanisms, to achieve forest conservation and sustainable development, should be encouraged both domestically and internationally.

(d) Forest conservation and sustainable development policies should be integrated with economic, trade [and other relevant] policies.

(e) [[Subsidies,] [protectionism] [and lower export revenues] [and other governmental interventions] which encourage [unnecessary] deforestation and unsound forest practices should be [eliminated] [discouraged] , wherever practicable [and subsidies or incentives encouraging sound practices should be encouraged where applicable]].

15.

(a) [All forms of unilateral actions to restrict and/or ban the use of timber and other forest products should be removed as such actions are counter-productive in terms of long-term sustainable forest management].

(b) Orderly and free international trade in forest products [from sustainably managed forest resources] should be facilitated.

16.

(a) [Pollutants are harmful to the health of forest ecosystems at local, national, trans-boundary and global levels and should be strictly controlled.]

(b) [The adverse effect of pollution on forests and forest ecosystems should be addressed.]

17. Forests constitute a significant reservoir of carbon and their role in the global carbon cycle should be recognized and considered in the development of national forests policies and plans.

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DÉSERTIFICATION ET GESTION DES TERRES

RÉSUMÉ

Gestion des terres : Le débat s'est divisé en fonction des trois sections traitées dans la documentation du Secrétariat, soit les zones fragiles, des approches intégrées à la planification et à la gestion et l'agriculture viable et le développement rural (AVDR). Les trois sujets ont été traités lors de la première semaine de la conférence, la plupart des délégations convenant que les travaux du Secrétariat concernant les zones fragiles représentaient un bon point de départ, mais qu'il fallait y apporter beaucoup plus de détails. La plupart des délégations ont convenu que l'approche intégrée de la planification et de la gestion des terres, à partir d'une large définition de ces ressources, constituait une approche valable, et ont félicité le Secrétariat à propos de cet élément particulier de la documentation. Le temps a manqué pour discuter de l'AVDR et le sujet n'est pas ressorti lors des discussions officieuses. Le président du Groupe de travail I a préparé un résumé de la discussion relatives à ces questions, qui a été accepté.

Désertification : L'absence de versions du document dans des langues autres que l'anglais a retardé la discussion concernant la désertification. On l'a également retardé quelque peu afin d'attendre la fin des discussions au sujet des forêts, pour permettre aux délégation du G-77 d'assister aux deux réunions. Finalement, vingt-cinq pays et organismes se sont exprimés au sujet de cette question, avec une importante représentation de l'Afrique. Les questions clés étaient l'importance de liens avec d'autres sujets, en particulier l'eau douce et la pauvreté, la dimension régionale, le besoin de mobiliser des ressources adéquates pour attaquer le problème et la volonté politique.

La faible qualité du document PC 62 et l'absence de propositions pour d'Agenda 21 (le plan d'action pour le XXI^{e} siècle), ont nui à la discussion. Le rapport du PNUE qui devait comprendre des recommandations pour Agenda 21 n'a pu être terminé à temps, mais sera disponible en version provisoire pour la réunion du Comité de coordination internationale relatif à la désertification. La discussion s'est terminée en réitérant l'importance de la question. La réunion de New York donnera au Groupe de travail I l'occasion d'examiner les éléments d'Agenda 21 qui traitent des questions de terres.

Documentation

A/CONF.151/PC 63	*The elements of an integrated approach* (Éléments d'une approche intégrée)
A/CONF.151/PC 61	*Agriculture, environment and development* (Agriculture, environnement et développement)
A/CONF.151/PC 42, Add. 2	*Options for Agenda 21* (Options pour Agenda 21)
A/CONF.151/PC 62	*Combatting desertification and drought* (Combattre la désertification et la sécheresse)
A/CONF.151/PC/WG.I/L 29	*Desertification and drought: Proposal for Action* (Désertification et sécheresse : Proposition d'action)
A/CONF.151/PC/WG.I/CRP.12/Rév.1	*Land resources: Options for Agenda 21* (Ressources en terrains : Options pour Agenda)
A/CONF.151/PC/WG.I/L.34/Rév.1	*Land resources: Decision* (Ressources en terrains : Décision)
A/CONF.151/PC/WG.I/L.36/Rév.1	*Desertification and drought: Decision* (Désertification et sécheresse : Décision)
Bureau des Nations Unies pour la région soudano-sahélienne.	Régimes viables et différents de production et de vie sur des terres marginales.

DÉBATS DU COMITÉ PRÉPARATOIRE

Les objectifs principaux de la délégation canadienne étaient les suivants :

- contribuer à traduire les politiques et programmes internationaux en mesures concrètes afin d'obtenir une agriculture viable et respectueuse de l'environnement à l'échelle mondiale, et à cette fin appuyer la déclaration et le programme d'action de Den Bosch;

- chercher à faire entériner le principe de l'adoption de politiques nationales du sol;

- appuyer et encourager une approche intégrée de la gestion des terres, notamment la possession garantie des terres et la participation active des agriculteurs, des exploitants forestiers et des peuples autochtones locaux;

- s'assurer de tenir dûment compte des intérêts des femmes, et

- améliorer les données quantitatives et qualitatives relatives à la perte de sol et la désertification.

1. Gestion des terres

Le débat était centré sur les options en vue d'Agenda 21 (document PC 42, Add 2), pour examiner les trois éléments de programme proposés :

a) Protection et gestion d'écosystèmes fragiles.
b) Approche intégrée de la planification et de la gestion.
c) Agriculture viable et développement rural.

a) Protection et gestion d'écosystèmes fragiles

Faisant suite à une intervention de la Suisse, la plupart des pays caractérisés par un relief montagneux ont demandé au Comité préparatoire de considérer les montagnes comme un écosystème fragile. Le groupe des pays andins a élaboré une proposition provisoire de stratégie mondiale pour la réglementation et la gestion des bassins d'alimentation en zone montagneuse.

Quelques pays insulaires ont de leur côté demandé que les îles et les atolls coralliens soient également désignés comme écosystèmes fragiles. Plusieurs délégations ont souligné que cette section du rapport du Secrétariat manquait de détails et ont demandé que l'on y travaille plus. Le Secrétariat a demandé des suggestions écrites aux délégations et a ensuite apporté au texte plusieurs modifications, qui ont fait l'objet de discussions au Groupe de travail I et reçu un appui général. La discussion détaillée des propositions d'Agenda 21 pour cet élément du programme devra attendre des travaux plus élaborés du Secrétariat et la quatrième réunion du Comité préparatoire.

b) Approche intégrée de la planification et de la gestion

La discussion relative à une approche intégrée de la planification a suscité en général beaucoup d'appuis au document du Secrétariat. Le Canada a proposé un libellé plus ferme au sujet des femmes, des peuples autochtones et du savoir, et a demandé que le cadre de la planification intégrée soit étoffé de façon à accorder une importance égale à toutes les sections. On a reconnu que le principal obstacle aux approches intégrées se situait dans la faiblesse de structures institutionnelles au niveau national pour vaincre la fragmentation et la sectorisation inutile du processus de développement.

On a présenté des exemples d'expériences nationales en planification de l'utilisation du sol et d'initiatives de soins des terres ou de précautions environnementales primaires qui pourraient constituer des références utiles pour une approche intégrée de la planification.

c) Agriculture viable et développement rural

Les propositions de programme pour l'AVDR ont reçu un appui général. Certaines suggestions ont été faites pour des travaux supplémentaires concernant les questions d'agriculture viable dans les pays industrialisés et pour l'examen de formes d'agriculture avec moins d'intrants de produits chimiques agricoles. Malheureusement, la discussion de cette section des propositions d'Agenda 21 n'a duré qu'une heure, ce qui n'a pas permis de formuler tous les arguments pertinents. La discussion devra se poursuivre à la quatrième réunion du Comité préparatoire.

Parmi les points importants soulevés lors de la discussion générale relative à la gestion des terres, citons les suivants :

- le besoin de définir des priorités (en particulier pour l'AVDR) et de tenir compte de la disponibilité de fonds et de la capacité institutionnelle;

- l'importance d'orienter des actions au niveau communautaire local;

- le besoin de s'assurer spécialement que des mesures visent spécifiquement les femmes qui, dans de nombreux pays, sont les principaux utilisateurs du sol et producteurs d'aliments;

- le besoin de mesures visant la cause fondamentale de la dégradation du sol (la pauvreté) et le besoin d'un contexte économique plus sain (certains pays ont souligné le déséquilibre du commerce extérieur et le problème de la dette);

- le besoin d'implanter et de renforcer la capacité d'observation météorologique;

- la reconnaissance de la valeur des pratiques autochtones et traditionnelles de gestion du sol;

- des mesures liées au mode de propriété du sol et au contrôle des terres, et

- le besoin d'inclure des mesures visant des pratiques d'agriculture viable, en particulier au chapitre de la gestion des animaux nuisibles, des maladies et des mauvaises herbes qui reconnaissent la nécessité d'une gestion des produits chimiques parallèlement au recours à des options efficaces.

2. Désertification

Le débat a débuté par une intervention du Sénégal, au nom des pays africains. Le Sénégal a souligné que les organismes régionaux et les ONG ont apporté la plus grande contribution à la lutte contre la désertification. Ils ont réitéré que le problème exige des solutions globales que le document PC 62 n'aborde pas adéquatement. Ils ont noté qu'il est important de tenir compte des dimensions économiques et sociales dans le recherche de solutions.

La Mauritanie a suivi en demandant au PNUE de déposer le plus tôt possible son rapport de spécialistes présentant des mesures et a proposé des programmes de reboisement massif pour lutter contre la désertification.

Le Danemark a ensuite souligné, au nom des pays scandinaves, les liens étroits qui existent entre cette question et celles de l'eau douce et de la pauvreté. La délégation a relevé que le PNUE n'avait pas présenté le rapport qui aurait dû comprendre des propositions pour Agenda 21 , et demandait une meilleure coopération entre le PNUE et la CNUED.

L'Égypte a insisté sur le fait que le document suggérait une attitude passive de la part des populations touchées par la désertification, ce qui n'était pas exact, et a demandé une meilleure définition du rôle du PNUE à ce sujet.

Les É.-U. ont déclaré qu'il était nécessaire du mieux comprendre le phénomène de la dégradation du sol. Ainsi, un balayage du Sahara à l'infrarouge révèle que le désert progresse à certains endroits tandis qu'il recule ailleurs. On a préconisé une insistance gouvernementale plus poussée sur des stimulants et une plus forte participation communautaire. La délégation américaine était d'avis que les pays affectés possédaient déjà des organismes capables de canaliser les ressources. On a souligné le bon travail du Bureau des Nations Unies pour la région soudano-sahélienne et poussé le PNUE à prendre des mesures plus élaborées,

notamment en accélérant la production du rapport du PNUE et en y mettant l'accent sur des mesures concrètes.

La Tanzanie a souligné que la surexploitation du sol constituait à la fois une cause et un symptôme de pauvreté, et que la coopération Nord-Sud dans la lutte contre la désertification était aussi essentielle que la participation publique.

Les participants à la réunion s'inquiétaient à propos de l'élaboration de propositions pour Agenda 21 en constatant que, même si toutes les délégations convenaient de l'importance de la question, il ne restait plus que le tiers d'entre elles à la fin de la réunion.

La discussion officieuse sur la désertification s'est limitée à un examen des éléments généraux de programme présentés dans le document L29 révisé sur la désertification. Des délégués ont ajouté de nouveaux éléments de programme possibles et ont modifié les éléments proposés. Parmi les nouveaux éléments de programme proposés, on comptait l'élimination de la pauvreté, l'intégration d'un programme contre la désertification à des programmes nationaux de développement et l'amélioration de l'approche intégrée à la planification et à la gestion. On a convenu que la désertification constituait un secteur prioritaire pour les pays en développement et qu'elle devrait figurer en tête de l'ordre du jour de la prochaine réunion du Groupe de travail I.

RÉSULTATS ET ÉVALUATION

1. Gestion des terres

La discussion finale concernant les terres a mené à une approbation générale des trois principaux éléments de programme (zones fragiles, approche intégrée et agriculture viable et développement rural), en demandant toutefois au Secrétariat de réviser et d'amplifier les propositions pour Agenda 21, dans la forme révisée qui figure au sommaire du président (CRP.12). Il a été difficile d'avoir une discussion détaillée des approches proposées dans les trois éléments de programme, ce qui devra attendre à la prochaine réunion du Comité préparatoire. Plus précisément, l'agriculture viable et le développement rural ont à peine été abordés et l'on ne sait pas exactement quand on le fera. L'ACDI pourrait vouloir communiquer avec la FAO pour découvrir ce qui se fait à cet égard, puisque cet élément relève de leur compétence.

De manière générale, les délégations ont souligné qu'il reste encore à déterminer les coûts et à proposer des mécanismes d'action pour les propositions pour Agenda 21; qu'il faut encore aborder la question du transfert technologique pour

la mise en oeuvre; et que l'on devra examiner les responsabilités en matière de mise en oeuvre et les questions institutionnelles connexes.

On jugeait que la structure et les propositions générales s'appliquant aux trois éléments de programme couvrent les questions les plus importantes relatives aux terres. Des intervenants ont manifesté leur appréciation de l'envergure et de l'esprit d'intégration du débat. On a aussi mentionné le besoin d'accorder une attention particulière aux aspects de développement des questions relative à l'accès aux terres, le mode de possession et la participation des femmes. On a appuyé une approche élargie des terres, qui aborde de façon intégrée les terres, l'eau et d'autres ressources.

2. Désertification

La discussion relative à la désertification a constitué un genre de point de ralliement pour les pays en développement, en particulier d'Afrique, qui ont indiqué que la réunion n'avait pas abordé adéquatement ce thème. Les documents, de faible qualité, n'ont été disponibles dans des langues autres que l'anglais que très tard dans les délibérations. La décision finale de la réunion résume les neuf éléments de programme sur lesquels on s'est entendu et l'on demande au secrétaire général de présenter pour discussion à la prochaine réunion du Comité préparatoire des propositions pour Agenda 21. Tous les intervenants ont critiqué le PNUE, qui n'avait pas accompli la tâche qui lui avait été affectée pour la troisième réunion du Comité préparatoire. On a généralement loué les efforts du Bureau des Nations Unies pour la région soudano-sahélienne. On a invité les gouvernements à présenter leurs réactions au Secrétariat avant la fin de septembre, afin de faire avancer le processus. De manière générale, la discussion relative à la désertification était en retard d'une réunion par rapport aux autres secteurs, pour les raisons mentionnées précédemment, ce qui n'a pas contribué à apaiser les divisions Nord-Sud. L'OCDE prépare une forme d'appui à l'Afrique en matière de désertification et le Canada devrait suivre ce dossier.

Il a été convenu de mettre ce sujet au sommet de l'ordre du jour pour la prochaine réunion du Groupe de travail I, mais l'on ne sait pas à quel point la discussion progressera d'ici la conférence de Rio.

La réunion n'a abordé que deux des cinq objectifs, soit le rôle des femmes dans la gestion des terres et le besoin d'une approche intégrée à la planification et à la gestion. Les deux questions ont fait l'objet d'un large consensus, sans toutefois que l'on discute de la mise en oeuvre de politiques. Les trois autres objectifs ont à peine été abordés.

Lors de la prochaine réunion du Comité préparatoire, il est peu probable que les terres fassent l'objet d'une discussion détaillée, sauf dans le cas des options

concernant la désertification pour Agenda 21, que le Secrétariat et le PNUE devraient préparer au cours des trois prochains mois.

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Third session
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Working Group I
Agenda item 3 (c)

LAND RESOURCES: DESERTIFICATION AND DROUGHT

Chairman's Summary and Proposal for Action

Highlights of Debate:

1. Discussion on A/CONF.151/PC/62 showed the regional and global nature of the desertification problem and the important developmental and environmental implications that need careful investigation and immediate action. Several delegates expressed the view that desertification had a significant impact on the earth's climate and resources and should be seen as an important environmental trend affecting climate change.

2. The document was welcomed for its consideration of desertification in the broader framework of land degradation, with its direct and indirect causes. Differing views were expressed on the definition and conceptualization of desertification. Some delegates argued that desertification is caused by over-use of agricultural, pastoral and sylvicultural lands and is mainly a consequence of inappropriate land-use methods. Others suggested taking an

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approach which incorporated all factors - soil, water, flora, fauna and climate - as well as the associated socio-economic dimensions in dealing with the problem of desertification. The peculiar problem of waterlogging and salinity in irrigated areas was also cited by some as a major cause in the spread of desertification.

3. The urgent need for action to combat desertification was expressed by many delegates. Various recommendations to combat desertification were also put forward. One of the recommendations states that increased resources should be provided: (a) to study the land-use practice that contributed to land degradation and the promotion of ecologically sustainable land-use practices; (b) to develop simple procedures for assessing and measuring land degradation; and (c) to develop education and extension programmes directed at land owners and users with particular reference to traditional owners and the transfer of their body of traditional knowledge and concept of stewardship. The program should involve the land owners and users in all aspects of research, monitoring, and extension work.

4. There was also a suggestion that action to combat desertification should be seen at three levels: the village level, the national level and the international level. The village level should be given first priority as we often have the tendency to forget that the real combat against desertification has to take place on the local level where human beings struggle for survival. When planning and implementing desertification control at the village level, the focus should be on promoting the participation of local people, the development of technologies that are accepted and can be managed by local people and the search for appropriate solutions to land tenure and ownership issues which are essential for good land-management practices. At the national level, the development of an integrated and multi-sectoral and cross-sectoral approach and favourable economic and social policy is needed. At the international level, priority should be given to the systematic analysis and processing of desertification control information and to better access to it for all interested groups of users.

5. The African Group represented by the Ambassador of Senegal underscored the devastating impact desertification had on people and economies of Africa where 45% of the world's deserts and arid lands are found. The African group emphasized the following points regarding the document and the programmes that needed to be developed in dealing with desertification.

6. Serious concerns were raised by the inadequate attention given to the result of the United Nations Plan of Action to Combat Desertification (UNPACD), the financial and technical support given in its implementation, the need for further international cooperation that might be required in this area as requested during PrepCom I. The request to PrepCom II to pay particular attention to the developmental aspects, social and economic dimensions and popular participation was not well reflected in the document (A/CONF.151/PC/62) and required further strengthening.

7. There was a suggestion that desertification should receive greater attention as a social and economic development problem requiring a cross-sectoral and comprehensive integrated approach in the programme activities designed to combat it. Poverty is seen as a primary contributor to

environmental degradation and the creation of environmental refugees in areas prone to desertification and drought.

8. The African group argued that the regional aspect of the desertification process and desert conditions must be given due attention in any programme that might be conceived to address the problem. They also stressed the importance of taking into account the development of institutional capacity, manpower and infrastructure and the global mobilization of resources for desertification control activities.

9. The experience from Nordic supported projects and activities provided insights to the ongoing effort to combat desertification. They acknowledged that many projects were of the "single component type". There had often been a lack of local participation in all stages of the project cycle and a lack of rational cooperation both internationally and at the national level. The Nordic experience suggests that the most important areas of research and development to combat desertification are:

(a) Understanding of the desertification concept and its implications for development;

(b) Practical monitoring of desertification;

(c) Sound productive practices;

(d) Local socio-economics and local participation;

(e) Land tenure issues;

(f) Exchange of experience and coordination.

10. There was a repeated call by many delegates for greater cooperation between UNCED and UNEP, since UNEP is given a special mandate by the General Assembly to prepare a report on desertification. In particular, the Nordic countries would like UNEP to work closely with UNCED in the preparation of its desertification report. They would also like to see the Agenda 21 parts of the UNEP report integrated in the documentation for the next session of the Preparatory Committee in March 1992.

11. In general, support was given to the objectives and programme activities outlined in options for Agenda 21. But, some expressed the view that priority should be given to the curtailment of ongoing desertification instead of the rehabilitation of severely desertified areas, which they felt was costly. Similarly, the programme activities in paragraph 90 of document A/CONF.151/PC/62 were considered to be exhaustive and establishing priorities was recommended. Several countries pointed out that in developing the elements for Agenda 21, due attention should be paid to linkages with other topics such as fragile ecosystems, an integrated approach to planning and management of land resources, and sustainable agriculture and rural development.

12. The recommendations to be included as Options for Agenda 21 are presented below and indicated in [ ].

V. OPTIONS FOR AGENDA 21

Basis for Action

81. Efforts to control desertification have been going on for many years, but they need to be improved and made more effective. At this stage it was felt that a system was needed to better focus the control efforts. For this reason this report presents a broad programmatic framework. This programmatic framework, and the options for action proposed could later be developed as part of Agenda 21, possibly within the framework for action in fragile ecosystems.

82. The programmatic framework is intended to provide a simple, logical structure and an immediate focus for desertification control. The framework also serves as a basis for preparing desertification control action recommendations and should facilitate the selection and design of effective control interventions. At the same time, it can be used for testing the validity of ongoing projects or for evaluating new proposals suggested by others. The framework also offers a systematic way to decide on the priority of specific control efforts. Such priorities will have to be set among the many possibilities for controlling desertification in the light of financial and physical constraints. In general, the framework should help to focus the discussions on desertification on the proper control efforts. It is hoped that it may be developed into a veritable blueprint, a detailed plan of operations for the control of desertification.

83. It is pointed out here that a major, new instrument for improved desertification control is currently being developed by UNEP/GRID in the form of a world Atlas of Desertification. This work, which is expected to be available in 1992, will provide world maps of soil degradation drawn to a scale of 1:10 million and separate, supporting cartographic documents of case studies in selected countries.

Main Objective of Desertification Control

84. The overall objective of desertification control is to promote use of drylands in such a manner that it ensures a sustainable livelihood for those who depend on those resources. Sustainable use of the drylands means that these lands are not used beyond their ability to support agriculture and livestock production, or non-productive uses such as recreation and military operations. The impact of desertification is felt beyond the dry regions, for example, in terms of erosion materials are deposited by air and water in neighbouring countries, or even much farther from their origins in the drylands. The importance of desertification control, therefore, exceeds the strictly regional concerns and interests of the drylands populations.

85. The immediate purpose of desertification control, as indicated by the term itself, is to control ongoing desertification by curtailing the further degradation of the soil and vegetation resources of the drylands. UNCOD (1977)

defined the immediate purpose along the same lines i.e., "to prevent and to arrest the advance of desertification and, where possible, to reclaim desertified land for productive use." In short, desertification control aims to improve the existing land conditions in some dry areas and to keep the soil and vegetation resources in as good a state as possible in other dryland areas.

86. The existence of control operations themselves does not however guarantee that the purpose of desertification control will be achieved. Factors outside the immediate technical control operations, such as socio-economic conditions and political or religious considerations, may prevent achievement of comprehensive desertification control. Such non-technical issues must be identified as conditions that must be resolved if the control operations are to succeed.

87. The suggestions offered here have one thing in common - they are all designed to offer pragmatic approaches to desertification control. They are also designed to fit into the proposals for Agenda 21 for Land Resources (A/CONF 151/PC/42/Add.2). They must also address head-on the various deficiencies identified in relation to action to combat desertification to date, and, in particular, in the implementation of the PACD, such as the lack of political will or the institutional questions. Some of these issues are already being addressed in a general manner in other papers before the Preparatory Committee, for example on institutions.

88. The specific management objectives of desertification control are best defined separately for the three categories of operations that are necessary to achieve comprehensive control:

(a) Prevention of the spread of desertification

89. This is more relevant for slightly desertified or non-desertified areas and the objective could be to maintain and continue proper land-use. Proper land-use in the peripheral non-desertified areas that are prone to desertification should be maintained through a combination of three actions: strengthening the control by village associations or nomad groups over their land resources; improving the land management techniques of local populations by modernizing and reinforcing the agricultural extension services; developing physical land-use plans or master plans to guide the actions above.

(b) Curtailment of ongoing desertification

90. This is relevant in moderately and severely desertified areas and the specific objective could be to contain and end the misuse or over-use of land resources. Two distinctly separate efforts could be undertaken to control ongoing desertification, one which focuses on misuse, and the other concentrated on over-use of the land resources.

(c) Rehabilitation of severely desertified areas

91. This is relevant in selected, very severely desertified areas and the objective could be revegetation and rejuvenation of the area. In recognition of the fact that rehabilitation of degraded areas is a costly undertaking and

will provide mostly long-term benefits, and in view of the fact that already degraded areas in many cases no longer pose immediate threats requiring immediate action, the resource recovery would be limited to selected areas.

[Promotion of socio-economic development of affected areas by desertification]

92. The priority for desertification control efforts will undoubtedly be set, at least in part, by the availability of funds. Also, desertification control is one of several environmental initiatives that will be considered by UNCED. The global priorities for control will therefore be evaluated in the context of other financial and environmental concerns. Considering this overall constraint, it seems prudent to give high priority to the prevention of desertification (category (a)) in large non-desertified areas and to the rehabilitation of certain specific severely desertified areas (control category (c)), and then to embark on a full-scale attack on ongoing desertification in moderately degraded areas (category (b)). The prevention programme could be designed to contain the spread of desertification and avoid further damage. The focus of the rehabilitation programme could be on certain severely desertified areas. The programme will only rehabilitate those degraded areas, such as certain watersheds, deflation areas, etc., that, if left untreated would continue to have a negative impact on a much wider region. Secondly, the programme would rehabilitate environmentally sensitive areas, certain wetlands, wildlands, or other areas that have particularly vital ecological functions in the world's drylands. Broad efforts to curtail ongoing desertification in other desertified areas could subsequently be undertaken in line with the priorities set by each country concerned. Countries should set their priorities in deciding between measures designed to curtail degradation on over-used and on misused lands.

93. Over-utilization of land is often detected at a later stage, almost after the fact, i.e., after the damage is obvious. Misuse or inappropriate use of land is easier to detect and therefore easier to control than over-use. The wrong use of land resources can be recognized and terminated at an early stage. Wrong land-use includes the use of sloping, unprotected lands for farming, or the use of lands unsuitable for crop production because of inherent low soil moisture. More generally, desertification control has become an integral part of development planning, particularly for the rural sector, in the relevant countries and sub- regions. It has to be integrated into programmes and policies for poverty alleviation, employment generation, agricultural production (including, in particular, animal husbandry), village forestry and small industry development and settlement planning. Control programmes that operate as "add-on" measures independently of other development programmes may well fail to meet those objectives.

[94. The following programme areas are proposed to combat desertification and drought:

<u>Proposed Programme areas</u>

A. <u>Building up the knowledge base and developing an information and monitoring system of fragile ecosystems</u>

B. Intensifying afforestation activities, combating land degradation, support of the management of biotic resources

C. Developing programmes for alternative livelihood systems on marginal lands

D. Encouraging and supporting popular participation and environmental education

E. Establishing enabling mechanisms and a Desertification Fund

F. Designing programmes to cope with environmental refugees

A. Building up the knowledge-base and developing an information and monitoring system of fragile ecosystems

1. Basis for action

Determine the potential of resources and the limits of their productive capacity and assess the current system of production utilization and exploitation. Increase the knowledge base that would allow for timely intervention. Promote a multi-sectoral and integrated approach.

2. Objective

Institute sustainable management of the resources with the view to improving the living standard of the populations in the desert and semi-arid areas. Promote data coordination between national, subregional and regional institutions. Ensure coordination of sectoral ministries and institutions.

3. Activities

(a) Strengthen research and national training capabilities.

(b) Develop inventories of the resources.

(c) Develop integrated information systems for environmental monitoring, accounting and impact assessment.

(d) Develop the knowledge-base on the production and conservation practices of the concerned population.

(e) Strengthen capacities in conservation legislation, institutions and techniques related to fragile ecosystems.

(f) Strengthen the meteorological and hydrological networks and monitoring systems to ensure adequate communication to regional and international weather centres.

(g) Support the acquisition of relevant and necessary equipment and materials and access to data.

(h) Establish mechanisms for preventive measures and early warning systems.

(i) Strengthen national machinery to coordinate and implement the strategic framework programmes for fragile ecosystem management.

B. Intensifying afforestation activities, combating land degradation, and support of the management of biotic resources

1. Basis for action

Increase vegetative cover, promote biodiversity conservation and mitigate global warming as Shown in IPCC report - reforestation of 12 million hectares per year during the next 40 years would slow down significantly the rate of increase of carbon dioxide in the atmosphere.

2. Objective

Improve biomass production, ecological stability and soil and water conservation. Improve management of forest resources and promote alternative energy sources other than fuelwood. Reduce global warming. Promote biological diversity and the safe utilization of the genetic resources.

3. Activities

(a) Intensive afforestation and reafforestation and support measures to increase vegetative cover.

(b) Development of agro-forestry.

(c) Protection, restoration and conservation of water and soils.

(d) Increasing planting of indigenous and exotic tree species for woodlots and community forests and implementation of agro-forestry practices with due consideration to individualized incentives, including incentives for women.

(e) Promote alternative energy sources other than fuelwood (e.g. solar, wind, etc.) with particular attention paid to women.

(f) Promote collection, evaluation and conservation of gene pools.

(g) Establish mechanisms for soil and water conservation.

(h) Improve water management in irrigation system.

(i) Develop and maintain institutional and legislative capacity and capabilities required for the conservation of biological diversity.

(j) Strengthen wildlife management programmes.

C. Developing programmes for alternative livelihood systems on marginal lands

1. Basis for action

Increased population pressure on drylands generally comes from local population growth, from concentration of livestock and human population on areas where carrying capacity is outstripped. Reduce pressure on the resources of marginal lands. Poverty eradication.

2. Objective

Promote alternative economic activities to reduce population pressure on marginal lands. Improve the living standards of the people, particularly those affected by desertification to contribute to the prevention and reversal of desertification through poverty eradication. It is therefore considered of utmost importance that the world community undertake a new and singular commitment, through what can be called an Absolute Poverty Eradication Programme (APEP) for the next decade.

3. Activities

(a) Introduction of off-farm employment in rural areas and centres with particular encouragement given to smaller entrepreneurs, women, youth and the informal sector.

(b) Improve land resources and livestock management.

(c) Integrated rural development programmes.

(d) Human resource development.

(e) Improvement of terms of trade and addressing Africa's external debt issue.

(f) Promote soicial services such as rural water supply, health care delivery systems, and rural infrastructural development.

(h) Support and encourage developmental activities undertaken by women.

(j) Promote literacy programmes particularly among women, youth and elderly people.

D. Encouraging and supporting popular participation and environmental education

1. Basis for action

As the users and primary beneficiaries of natural resources, the participation of local populations in environmental conservation is important. The important role of determining the level of environmental

consciousness cannot be over-emphasized. Promotion of environmental education for all ages and sectors of society will be enhanced by a greater awareness of the causes of desertification.

2. Objective

Promote greater awareness of environmental issues among the public, support greater public participation in environmental programmes, establishment of decentralized institutional systems to allow decision-making at grass-root level.]

3. Activities

(a) Mobilization of the public to appreciate and promote desertification control measures.

(b) Undertaking of prior assessment and public reporting of the environmental impact and reporting of the environmental impact and risks of any policies, plans, projects, products or industrial facilities that may have significant effects on human health and the state of environment.

(c) Reaffirmation of the right of individuals, groups and organizations to participate in decisions regarding desertification control.

(d) Democratization of environmental action, including the enhancement of the role and the opportunities of women and NGOs..

E. Establishing mechanisms and a Desertification Fund

1. Basis for action

The increasing depletion of financial resources by the collapse of commodity trade, escalating external debt-service payment and the huge costs of current levels of control of the massive problems of desertification and drought call for massive international financial resources to combat desertification. There is a need to underscore the particular situation in Africa. Indeed, Africa has the vast Sahara desert, Kalahari and the Sahel with their enormous desertification and drought problems. This fact calls for special international consideration in the commitment of resources for environmental protection and desertification control.

2. Objective

An international programme for the promotion of efforts towards the prevention and reversal of desertification and control. Develop programmes and support the strengthening of existing ones with the view to alleviate the suffering of all the people living in the affected areas and those that are threatened through desertification.

3. Activities

(a) Identify and implement programmes which will meet daily needs for food, shelter and energy requirements.

(b) Strengthen and implement national programmes for combating desertification through the full involvement of the people, Government, women, youth, private business, trade unions and environmental groups and NGOs.

(c) Promote public awareness and environmental education.

(d) Support a more coordinated approach to desertification research, and other operational activities in the areas of desertification control being undertaken by sub-regional institutions such as (CILSS), IGADD and SADCC and other sub-regional and regional organizations.

(e) Encourage the use of existing environmentally sound sources of energy, particularly solar, wind and biogas energy.

(f) Develop and implement policy measures, programmes, and strategies that will reduce rural and urban poverty.

(g) Encourage and reactive regional and international cooperation.

F. Designing programmes to cope with environmental refugees

1. Basis for action

In many parts of the world there is an increasing number of refugees of an economic and ecological nature. These displaced populations settle in fragile ecosystems which also provide feed for their livestock and their building materials, forming the nucleus of desertification.

2. Objective

To facilitate the establishment of refugee settlement. Promote alternative income-generating activities in order to reduce pressure on the fragile ecosystem.

3. Activities

(a) International support for the establishment of environmentally sound refugee and displaced-people camps.

(b) International support for environmental education for refugees and displaced people.

(c) Environmental management programmes based on introduction of alternative income-generating activities to tap the human-resources potential of the refugees.

CONSERVATION DE LA DIVERSITÉ BIOLOGIQUE

RÉSUMÉ

Les délibérations de la troisième réunion de La Commission préparatoire étaient centrées sur trois problèmes importants : la relation entre la diversité biologique et la biotechnologie et s'il faut ou non traiter des deux questions comme formant un ensemble; la relation entre la relation entre le développement de la diversité biologique composante d'Agenda 21 (le Plan d'action pour le XXI[e] sècle) et le processus des négociations de la diversité biologique; et les moyens de mise en oeuvre des activités d'Agenda 21. Parmi les autres questions soulevées, il y avait les droits de souveraineté des États sur leurs ressources biologiques et la nécessité de compenser les personnes qui avaient conservé, conserveront ou développent les ressources biologiques.

L'examen détaillé du document Agenda 21 n'a pas eu lieu au cours de cette troisième réunion, mais il attendra la quatrième réunion. On a demandé aux pays de présenter au secrétariat leurs observations, ajouts et modifications à cet élément d'Agenda 21 avant le 1[er] octobre.

Documentation

A/CONF.151/PC/42/Add.4	-	*Conservation of Biological Diversity: Options for Agenda 21* (Conservation de la diversité biologique : Options pour Agenda 21)
A/CONF.151/PC/66	-	*Conservation of Biological Diversity* (Conservation de la diversité biologique)
A/CONF.151/PC/WG.I/L.28	-	*Conservation of Biological Diversity: Options for Agenda 21 amendment to PC/42/Add.4)* Conservation de la diversité biologique : Options pour Agenda 21, modifications au PC/42/Add.4)
A/CONF.151/PC/WG.I/L.37/Rev.1	-	*Conservation of Biological Diversity: Agenda 21 - Decision* (Conservation de la diversité biologique : Agenda 21 - Décisions)

OBJECTIFS CANADIENS

1. Avancement des travaux concernant les questions intersectorielles clés, principalement par des débats au sujet d'autres points connexes du programme (biotechnologie, transfert de technologies, mécanismes financiers) en vue d'appliquer les progrès réalisés aux négociations sur la Convention de la biodiversité.

2. Examen des liens entre : a) le travail relatif aux mesures de biodiversité entreprises par le PrepCom, l'élaboration de la stratégie de conservation de la biodiversité mondiale et la négociation de la convention relative à la biodiversité; et b) les instruments proposés pour la biodiversité, les changements climatiques et les forêts.

DISCUSSION DU PREPCOM

Les délibérations à ce sujet ont commencé par une présentation du secrétariat de la CNUED de documents qui comprennent ceux de la troisième réunion du PrepCom à ce sujet, y compris les options pour Agenda 21. Ces délibérations ont été suivies d'un rapport présenté par l'ambassadeur Sanchez, dans le INC-BIOD, au sujet des progrès réalisés vers une convention sur la diversité biologique. L'ambassadeur Kjellen, président du Groupe de travail 1 de la CNUED, a suggéré dans son introduction que le PrepCom oriente ses travaux vers cette question afin de compléter et d'appuyer le processus INC-BIOD.

Un grand nombre de pays intervinrent à ce sujet.

Les pays en voie de développement, comme pour toutes les autres questions, ont souligné la nécessité d'identifier, dans chaque secteur de programmeau d'Agenda 21, les moyens et les mécanismes de mise en oeuvre des activités proposées. Sur le plan des suggestions particulières, les pays en voie de développement ont demandé que l'on reconnaisse :

- les droits des fermiers et des éleveurs;
- que les ressources biologiques constituent un élément de base du patrimoine nationale (souveraineté);
- la nécessité de compensations pour leurs activités de conservation de ressources biologiques et pour l'utilisation de leurs ressources biologiques (mécanismes de soutien);
- la nécessité de déterminer les coûts d'opportunité associés à la préservation de la biodiversité et le transfert des ressources financières aux pays en voie de développement pour les compenser de la perte des coûts d'opportunité;
- la haute densité de la biodiversité à l'extérieur des forêts;

Ils ont aussi demandé :

- d'inclure dans Agenda 21 la préparation de directives pour un répertoire de la biodiversité;

et ils ont également :

- manifesté leur inquiétude au sujet du fait que l'établissement d'un répertoire pourrait constituer la base d'une interférence plus profonde.

Plusieurs pays en voie de développement ont mis en doute la séparation de la biodiversité de la biotechnologie au sein du processus du PrepCom de la CNUED et ont demandé au président d'intégrer ces questions en une seule pour les futures séances.

Plusieurs pays ont exprimé leur inquiétude de voir le processus de la CNUED faire double emploi avec celui l'INC-BIOD ou prenne le pas sur celui-ci. Ils ont demandé un plan d'action pour compléter et appuyer la convention sur la diversité biologique et ont suggéré que les documents préparés pour cette séance du PrepCom soient communiqués au secrétariat de l'INC-BIOD.

Plusieurs autres suggestions ont été proposées par les pays industrialisés et les pays en voie de développement, notamment :

- un appel pour un plan d'action urgent en vue de conserver la diversité biologique et donc de réexaminer les dates suggérées qui figurent dans le programme proposé; cependant dans le même temps, plusieurs interventions ont demandé des objectifs plus réalistes;
- plusieurs pays ne pouvaient pas appuyer des buts particuliers pour le nombre de secteurs protégés.
- la nécessité d'activités qui pourraient appuyer le renforcement de la capacité locale pour la conservation et l'utilisation de façon durable de leurs ressources biologiques, y compris la nécessité d'un plan d'action orienté au niveau local tel que le développement d'installations de recherche dans les pays qui disposent des ressources biologiques;
- la nécessité pour Agenda 21 d'inclure un plan d'action particulier orienté sur l'examen de l'impact des activités humaines sur la diversité biologique;
- la nécessité d'étudier le lien entre les actions orientées vers la conservation de la biodiversité et les peuples indigènes, y compris l'intégration complète de la connaissance traditionnelle;
- le code de conduite proposé pour ceux qui collectent les ressources biologiques a soulevé une inquiétude considérable au sein de certains pays demandant une entente liant juridiquement (G-77);
- en plus d'établir des secteurs protégés, des activités qui appuient la gestion intégrée des ressources qui doit aussi inclure les objectifs de diversité biologique, doivent faire partie d'Agenda 21;
- la nécessité d'examiner l'importance de la faune, des récifs de corail et de la vie aquatique dans le cadre des questions relatives à la biodiversité avec un plan particulier au sein d'Agenda 21; et
- la priorité doit être accordée à la conservation in situ de la biodiversité complétée par une conservation ex situ.

Le Canada a demandé dans son intervention plus de travaux analytiques concernant les liens possibles entre les questions relatives à la conservation de la biodiversité, aux changement climatique et aux forêts, et comment des mesures prises pour étudier une question peuvent avoir un impact sur d'autres questions. Le Canada a aussi bien accueilli la reconnaissance du rôle des femmes et des peuples indigènes et la valeur potentielle de la connaissance traditionnelle dans la conservation de la biodiversité ainsi que la nécessité de transfert de cette connaissance.

Le temps disponible pour des discussions complémentaires au sujet de cette question à la troisième réunion du PrepCom était limité. Une version modifiée (L.28) des options du document Agenda 21 a été produite par le secrétariat mais n'a pas été examinée en détail par le PrepCom.

Davantage de délibérations au sujet de ces questions furent centrées sur la préparation du document de décision finale avec le président du Groupe de travail I, éloignant le Groupe de travail de la considération de la substance pour se concentrer sur le processus. Le président a souligné que la tâche du Groupe de travail en ce qui concernait cette question était de s'assurer que la décision résultante reflète de façon pertinente les résultats de nos discussions à cette troisième réunion du PrepCom et le désir du Groupe de travail quant à l'établissement d'une orientation des délibérations en vue de la préparation pour la quatrième réunion du PrepCom.

RÉSULTATS ET ÉVALUATION

La décision résultante demande au secrétaire général de transmettre le document L.28 à l'INC-BIOD, afin que, pour la préparation d'AGenda 21, il tienne compte des points de vue exprimés à la troisième réunion du PrepCom, et intègre dans les secteurs de programme d'Agenda 21 des dispositions au sujet des moyens de mise en oeuvre. Cette décision demande aussi que le secrétaire général, sans faire double emploi avec l'énoncé de l'INC-BIOD et sans empiéter sur celui-ci, suive les travaux du Comité de négociation et lui fasse part des interconnexions entre les aspects pertinents de la diversité biologique et d'autres questions environnementales et de développement à mesure qu'elles ressortent du processus de la CNUED. La décision reconnaît aussi que la relation entre la biotechnologie et la diversité biologique doit être examinée d'une façon plus approfondie au cours de la quatrième réunion préparatoire.

La décision identifie les secteurs de programmes suivants comme comprenant la conservation de l'élément diversité biologique dans l'Agenda 21 :

- fournir des renseignements sur la biodiversité;
- maximiser et répandre les avantages de la biodiversité;
- améliorer la conservation des ressources biologiques; et
- améliorer la capacité de gérer la biodiversité.

La décision ouvre la porte au dépôt de présentations supplémentaires des gouvernements au sujet des secteurs et (ou) des objectifs et des activités du programme. Ces présentations doivent être envoyées au secrétariat au plus tard le 7 octobre 1991.

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PREPARATORY COMMITTEE FOR THE UNITED NATIONS
CONFERENCE ON ENVIRONMENT AND DEVELOPMENT
Third session
Geneva, 12 August-4 September 1991
Working Group I
Agenda item 4

CONSERVATION OF BIOLOGICAL DIVERSITY

Options for Agenda 21

Revised draft decision proposed by the Chairman

The Preparatory Committee,

Having regard to the report of the Secretary-General of the Conference on the Conservation of Biological Diversity (A/CONF.151/PC/66) and on the Options for Agenda 21 (A/CONF.151/PC/42/Add.4), as well as the oral report by the Chairman of the Intergovernmental Negotiating Committee for a Convention on Biological Diversity regarding progress on the negotiations,

1. Requests the Secretary-General of the Conference to transmit the Chairman's Summary and Proposals for Action (A/CONF.151/PC/WG.I/L.28), suitably represented as an amendment to A/CONF.151/PC/42/Add.4 to the Intergovernmental Negotiating Committee for a Convention on Biological Diversity;

2. Also requests the Secretary-General of the United Nations Conference on Environment and Development, without pre-empting or duplicating the work of the Intergovernmental Negotiating Committee, to follow the work of that Committee, and to keep it informed of the interconnections between relevant aspects of biological diversity and other environment and development issues as they emerge from the UNCED process, in particular the elaboration in Agenda 21;

3. Requests the Secretary-General to take into consideration the views expressed at the third session of the Preparatory Committee and the proposals submitted by Governments in the elaboration of Agenda 21 on the Conservation of Biological Diversity, for consideration at its fourth session, recalling the programme areas in paragraph 6 of A/CONF.151/PC/WG.I/L.28:

Programme A - Provide information on biodiversity

Programme B - Maximize and spread the benefits of biodiversity

Programme C - Improve the conservation of biological resources

Programme D - Enhancing the capacity to manage biodiversity.

Additional submissions by Governments should be made available to the secretariat not later than 7 October 1991;

4. Requests the Secretary-General to integrate in the proposals under paragraph 3 above, provisions for the means of implementation in accordance with the general decision of the Preparatory Committee on Agenda 21;

5. Agrees that the ~~question of the~~ relationship between biological diversity and biotechnology will be considered ~~agenda~~ in more detail at its fourth session;

6. Decides to revert to the issues covered by this decision for final consideration at its fourth session.

A/CONF.151/PC/WG.I/CRP.12/Rev.1
30 August 1991

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PREPARATORY COMMITTEE FOR THE UNITED NATIONS
CONFERENCE ON ENVIRONMENT AND DEVELOPMENT
Third session
Geneva, 12 August-4 September 1991
Working Group I
Agenda item 3

LAND RESOURCES

Chairman's Summary and Proposals for Action

Protection and management of land resources: Options for Agenda 21

GE.91-72362

Elaborated on the basis of discussions in the Working Group and associated informal sessions. Points in brackets to be elaborated on the basis of further negotiations.

II. OPTIONS FOR AGENDA 21

7. Because of the nature and breadth of the land resources issue, many of the essential programmes that will contribute to reaching the issue-wide goals are presented elsewhere, as is the case for forests, water and biological diversity in particular. Land is considered in a broad manner (see A/CONF.151/PC/63, paras 6 and 7) as "...its topography...spatial nature...natural resources...ecosystem functions...climate...of concern to a variety of activities, including primary ones such as agriculture, pastoral production, forestry, fisheries...mining and energy production and extraction....as well as secondary and tertiary activities...settlements, industrial complexes, transport networks, public works and others.

LAND RESOURCES WIDE OBJECTIVE

8. The broad objective for land resources is to protect and manage the land system so that it supports development providing the resources, goods and services to satisfy human needs in a sustainable manner and promote adequate living conditions for rural population. The specific goals for individual land resources include the protection of soils from loss and degradation to ensure their continued productivity; the protection and management of land ecosystems to ensure their sustainable development as entities; the promotion of land based productive activities such as agriculture in a sustainable manner and rural development; those goals that concern water, forests and biological resources and diversity more directly are dealt with elsewhere.

PROPOSED PROGRAMME AREAS

9. The present document suggests, for the consideration of the Preparatory Committee, options for action in three major clusters of programmes, namely:

a. PROTECTION AND MANAGEMENT OF FRAGILE ECOSYSTEMS
b. INTEGRATED APPROACH TO PLANNING AND MANAGEMENT OF LAND RESOURCES
c. SUSTAINABLE AGRICULTURE AND RURAL DEVELOPMENT

10. Each of these clusters of programmes areas will contribute to the achievement of one or more of the Land Resources goals, in the same manner that programme areas for water, forests and biological diversity will also contribute. In turn, the programmes presented here will assist in the achievement of the goals for those areas. Within each of the major clusters presented below a number of subprogrammes and activities will need to be undertaken.

A. PROTECTION AND MANAGEMENT OF FRAGILE ECOSYSTEMS

Basis for Action

11. Fragile ecosystems, includes deserts, semi-arid lands, mountains, wetlands, small islands, and certain coastal areas. Fragile ecosystem are important ecosystems, with unique features and resources. Some, such as mountains or wetlands provide important services to areas far removed from the immediate ecosystem. They are important sources of biological and cultural diversity and storehouses of valuable resources and indigenous knowledge. A substantial proportion of the earth's population live in these areas. There

is widespread poverty and underdevelopment in these fragile areas as opportunities for human livelihoods is limited. The fragile ecosystem have not received the attention they merit and the proposed programme seeks to remedy this situation.

12. In spite of the general lack of attention, a number of initiatives already address, or are being planned to address, the issue of protection and management of fragile ecosystems. These include the United Nations Plan of Action to Combat Desertification or the Wetlands Programme of the IUCN in the first category, or the Mountain Agenda currently being prepared by a consortium of interested organizations in the second. The subject of coastal area management and island states and options for action will be dealt with at length in the Agenda for Oceans. The general options presented at this stage will be spelt out on the basis of the Preparatory Committee's discussion on the fragile ecosystem in this session.

Objectives

13. The broad objective for fragile ecosystems is to manage the development process so as not to harm the resource base but to preserve, protect, rehabilitate and enhance the ecosystem and natural resources so that they can satisfy human needs on a sustainable basis.

Activities

14. As stated, only the most general strategic directions will be defined here, with the understanding that they can be further developed later on the basis of the results of the current initiatives. The issues concerning small islands and certain coastal areas and wetlands will be dealt with on Options for Agenda 21 on oceans.

Proposed Program Areas:

A. PROTECTION AND MANAGEMENT OF FRAGILE ECOSYSTEMS :

Activities:

a. Building up the knowledge base by creating mechanism for cooperation and information exchange among national and regional institutions working on fragile ecosystems.

b. Management of the development process in ways that would reduce poverty in a sustainable manner.

c. Developing strategies for the rehabilitation of damaged ecosystems that would promote interalia the participation and improve the living conditions of local people.

d Provision of mechanisms that would preserve threatened areas that could have significant function for wildlife, biological diversity, or national park development.

e. Building up national and regional institutional base that could carry research, training and dissemination of information on the sustainable development of the economies of fragile ecosystems.

f. Development of human resources by providing access to education, health, energy, and infrastructure.

g. Consider undertaking pilot projects that combine environmental protection and development functions with particular emphasis on some of the traditional environmental management practices/systems that has good environmental impact

h. Examining means and ways for the provision of funds and transfer of appropriate technology from the developed countries to attain the sustainable development of fragile ecosystems.

i. Promoting alternative use for land such as cottage industry, livestock, wildlife, and marine based income generating activities in fragile areas where traditional agricultural uses are not viable.

J. Strengthening of scientific research and technological development programmes including diffusion through national and regional institutions in this field

B. INTEGRATED APPROACH TO PLANNING AND MANAGEMENT OF LAND RESOURCES

Basis for Action

15. Land resources are used for a variety of purposes which interact and may compete with each other, therefore it is desirable to plan and manage all uses in an integrated manner. Integrated consideration facilitates appropriate choices and trade offs, thus maximising sustainable productivity and use. Opportunities to allocate land to different uses arise in the course of major settlement or development projects or in a sequential fashion as lands become available on the market. A number of techniques, frameworks and processes can be combined to facilitate this integrated consideration. These are the indispensable support for the planning and management process both at the national level,ecosystem or area level as well as for the development of specific plans of action. Many of its elements already exist, but need to be more widely applied, further developed and strengthened.

16. The most important strategic directions that could be pursued are described below. The initiatives and programmes flowing from these strategic directions include work on both the theoretical and practical aspects, and can be carried out by national governments and with the cooperation of the international community. The description is of a very general nature for the moment (e.i. still in the nature of a general framework, with some examples of the types of actions that could be envisaged), in order not to preempt the various current initiatives both within the preparatory process, as well as in association with it, to develop various of these elements into full fledged programmes. Among these, one can mention work on assessment and information systems (A/CONF.151/PC/41), environmental accounting (A/CONF/151.PC/49), economic instruments (A/CONF.151/PC/50), legal measures, land use planning for agriculture and settlements and others.

Objectives

17. The broad objective is to facilitate allocation of land to the uses that provide the greatest sustainable benefits. This would require to set in motion a process that allows to bring together in a common framework all the different elements that make this possible. This includes the building up of the base of knowledge and information on land resources and their sustainable use; the development of appropriate institutions and policy instruments; putting in place incentive systems for better land use; the development of responsive planning and management structures and approaches, including the active involvement and participation of rural people and decentralization by moving more decision making authority and responsibility down to the local level; further development of the tools to support the planning and management system; the development of the necessary human resources to carry out these tasks, and finally, providing adequate financial resources.

Activities

18. A variety of options are available for actions and activities that can

contribute to the achievement of the broad objectives and goals described. While they are here described at the level of activities, it is apparent that these options could each be developed into full fledged programmes. In fact, a number of initiatives and major programmes already exist in these areas or are in the process of being developed. To name just one example, the Global Environment Monitoring System (GEMS) of the United Nations, which contributes data to the information base on land resources and the Global Resources Information Database (GRID). The main options for action fall within the following categories:

19. Understanding the land resources system and the implications for sustainable development of land resources is the basis for making wise decisions in this area and for ensuring that the uses and management practices are indeed sustainable over the long term. The main route to accomplishing this is through research, experience to develop best practices and, where necessary pilot projects to test the results and applications of research. Various elements could be included:

a. clarification of ecosystemic interactions and interactions between land resources and social, economic and environmental systems;

b. development of specific indicators of sustainability; development of a composite index of sustainability; research and evaluation of the operational significance of the indicators of sustainability and translation into management techniques;

c. definition of the environmental, economic, social, cultural and political determinants of sustainability in local circumstances;

20. Development of more effective institutions and policy instruments is the key prerequisite for setting in motion and institutionalizing the process of approaching land resources issues in an integrated manner. This could involve:

a. strengthening the institutional structures, including coordinating mechanisms that assist in the development and application of integrated approaches to the protection and management of land resources;

b. strengthening of nations legal framework, regulations and enforcement procedures related to development and protection of land resources;

c. further development of economic instruments that assist in the protection and management of land resources; to be developed further on the basis of discussions in Plenary on A/CONF/PC.151/PC/50;

d. development of incentives and improved structures to support appropriate land use; [including redefinition of trade patterns and international economic relations; to be developed further on the basis of discussions in the Plenary and other fora];

e. institutionalizing an integrated approach to land resources, which would entail the building up of all the institutional structures, machineries and planning and management processes at the national and local levels;

21. Development of a more responsive and appropriate planning and management system is another element in the putting in place of an improved system for decisions on land resources. This would involve, among other things, setting in place policies, approaches, procedures and bodies for land use planning and management at the national, regional and local levels. It not only involves the setting in place of integrative frameworks for planning and management, but also the systematic application of all the instruments described in para. 20 above as well as of the tools described in para. 22 below. Various elements could be included:

a. development of a more systematic and integrative system of goal setting and policy formulation at the national and local levels that supports an integrated approach to decisions concerning land and natural resources;

b. development and strengthening of institutions and institutional coordinating mechanisms that facilitate moving away from sectoral approaches and implementing a more comprehensive and integrated approach to land and natural resources;

c. the systematic use of integrative approaches to planning and management both at the level of place and scale, such as the ecosystem or watershed, as well as at the level of organization of actions in strategic planning frameworks that allow integration of both developmental and environmental goals, such as those provided by strategies for sustainable livelihood systems or rural development; the World Conservation Strategy/Caring for the Earth or Primary Environmental Care (PEC) and others.

d. the systematic approach to land use planning and conservation for development; this process should be supported by comprehensive analysis and evaluation of the system and areas of intervention, including the development and application of optimum land use allocation models; the systematic and prudent choice, assessment and review of action options; the application of economically efficient, socially sensitive and environmentally sound land and resource management techniques in an integrated manner and the systematic observation, review and evaluation of interventions, so as to constantly improve approaches and implementation;

e. development and application of procedures to facilitate participation of all actors in the decision making and implementation process, especially women, indigenous peoples and local communities; development of innovative approaches that allow more direct and active participation at all levels; this may include special programmes to address the rights and needs of particular groups, including the poor; women and children, indigenous people and other groups that have hitherto been excluded;

f. provision of appropriate technical information to all sectors of the population, especially to local communities in order to permit them to make informed decisions about land management and use; information should be available in non-technical language, local languages and in other than written form, such as pictorial or audiovisual to ensure that non-literate people, of whom women make a large proportion, have access to information;

g. establishment of flexible approaches to programme funding which allow for general parameters to be set in place centrally but permit proposals to be developed for funding at the local level, using a bottom-up approach and thus drawing on local information and knowledge;

22. Improvement and further development of the tools to support the planning and management process is an essential action, without which decisions on land use can not be appropriate. In all cases actions here should be supported by research, pilot applications, wide dissemination of experiences and training. Application at the national level is the end point, and this process can greatly be assisted by the international community, which has a major support role to play. The main elements could include:

a. strengthening of existing assessment systems including those to gather environmental, economic and social data at the global, regional, national and local levels; this could, for example, be based on the further development and strengthening of an expanded Earthwatch system, supported by strengthened national capacity to gather and assess data

necessary for decision making; and development of new systems where necessary; development of improved and compatible systems for integration, analysis, interpretation and presentation of data; this could include, for example, the further development of the UNEP/GRID and the strengthening of national capacity to apply data in its decision making sequence;

b. improvement and wider application of techniques and procedures for assessing impacts, risks and costs and benefits of specific actions; to be developed on the basis of strengthening of current initiatives in the field;

c. further development and application of methods to assign values to environmental resources; further development and wider application of methods for resource accounting; to be developed further on the basis of discussions in Plenary on A/CONF.151/PC/49;

d. strengthening of existing methods for environmental and developmental management; research on and application of appropriate traditional and indigenous methods; this would include conducting inventories, assessing the applicability of the methods under differing conditions,the wide dissemination of results through accessible data bases; development of new alternatives to existing systems and methods; research, development and application of new and improved methods, techniques and inputs to the development and management of land resources; wide dissemination and application of alternatives;

23. Strengthening and building the capacity to act is fundamental, without which none of the above actions can take place. Action in this area would entail focused and concerted efforts for education and training and the transfer of technologies, [including biotechnologies,] and techniques to strengthen the various aspects of the planning and management process at the national and local levels. Specific actions might include:

a. awareness raising campaigns to alert all sectors of society of the importance of integrated land and resource management and protection and the role that individuals and social groups can play;

b. introduction of interdisciplinary approaches in the curricula of schools and technical, vocational and university training, placing particular importance on integrative approaches to land and resource management;

c. strengthening of national and local institutions, in particular, the coordinating mechanisms that allow the putting in place of integrative and interdisciplinary approaches to planning and management of land and resources;

d. training of technicians and professionals to enable them to set in place, plan and manage land and resources in an integrated manner;

e. enable the access and transfer of the management methods and techniques as well as the supporting technologies that will enable better planning and management of land and resources;

f. developing low-cost, community managed systems for the collection of information on the status and processes of change of land resources, including soils, forest cover, wildlife, climate and other elements;

g. providing training to communities and to extension services (health, community development, agriculture and forestry) and to NGOs on land management techniques and approaches developed in adjacent communities or other areas of the country or region;

24. Conducting research, developing pilot projects and exchanging experiences on the process of integrated planning and management and of the results obtained would be useful. Actions could include:

a. conducting further research on the ways and means of developing improved approaches to the integrated planning and management of land resources, not only at the technical level, but also at the social and institutional level; testing the applicability of the various approaches through pilot projects;

b. establishing channels for regional and global exchange of experiences in integrated and participatory planning and management at the national and local levels; this could include the establishment of networks or other systems to spread information on successful experiences;

C. SUSTAINABLE AGRICULTURE AND RURAL DEVELOPMENT

Proposed Program Areas:

C.1 Sector policy review, planning, programming, at both national and international level.

C.2 Ensuring people participation, with special programmes to meet the needs of women and small farmers and enhancing human resource development through both formal and non-formal education.

C.3 Improving rural livelihoods and income through diversification of non farming employment opportunities as well as infrastructural development.

C.4 Ensuring integrated land use planning, land conservation and rehabilitation.

C.5 Improving the management of water resources for agriculture and the development of water program using recycled water in agricultural development project.

C.6 Genetic resource for agriculture, two supprogrammes on plant genetic resources for agriculture (PGRA) and animal genetic resources for agriculture (AGRA)

C.7 Promoting integrated pest management with special emphasis on lower inputs of pesticides.

C.8 Promoting sustainable plant nutrition systems by focusing on research and extension services aimed at meeting farmer's immediate needs.

C.9 promoting diverse source of energy supply to rural areas and improving related support services.

[C.10 Promoting Food Security]

C.1 SECTOR POLICY REVIEW, PLANNING AND PROGRAMMING

Basis for Action

28. There is a need to integrate sustainable development considerations with agricultural policy analysis and planning in all countries particularly in developing countries. The recommendations should contribute directly to development of realistic and operational medium- to long-term plans and programmes, and thus to concrete actions. Support to and monitoring of implementation should follow.

Objectives

29. The major objectives of this programme would be: (a) strengthening of Ministry of Agriculture and/or Ministry of Planning or other appropriate institutions, in terms of financial as well as human resources; (b) strengthening the supporting information and higher education systems in the countries. This includes the information system for policy, planning and monitoring, institutional diagnosis for policy and strategy preparation and implementation and for project formulation; and (c) regional and international cooperation for the exchange of information and experience or incorporation of environmental and sustainable development considerations in sectoral policy analysis.

Activities

30. The activities would focus on reviewing the relationship to sustainable agricultural development of [both developed and developing countries and the related financial resources and technological requirements including appropriate technological transfer] of:

a. key macro-economic variables, eg. foreign trade policies, price policies (including subsidies), interest rate, exchange rates, structural adjustment programmes, etc.

b. population growth and distribution trends;

[c. food security;]

d. data base and information systems;

e. natural resource use and impact of policies;

f. environmental considerations (eg. major areas of environment concerns, land tenure policies, use of chemicals, etc);

g. national capabilities in SARD policy analysis, formulation and monitoring.

h. land tenure
i. appropriate farm technology development and transfer

31. Based on the above analysis, sector review to recommend actions for integration of environment and sustainable development considerations into agricultural policies could be undertaken, and finance and human resources implications identified .The follow-up implementation could include:

a. Activities based on policies for sustainable agricultural development;

b. Activities for developing a capacity for SARD policy analysis, including institutions strengthening, training and monitoring and evaluation.

C.2 PEOPLES PARTICIPATION AND DEVELOPMENT OF HUMAN RESOURCES

Basis for Action

32. This component bridges policy and integrated resource management. The greater the degree of community control over the resources on which it relies, the greater will be the incentive for human resources development. At the same time, policy instruments to reconcile long-run and short-run requirements must be set by the national government. The approaches focus on fostering self-reliance, cooperation, providing information, and supporting user-based

organizations.

33. The stress is on change in management practices, building agreements for changes in resource utilization: the rights and duties associated with use of land, water and forests, the functioning of markets, prices, and the access to information, capital and inputs. This would require training and capacity building to assume greater responsibilities in sustainable development efforts.

Objectives

34. The main priority objectives could be : (a) the development of decentralization policies for rural development; (b) the concurrent adjustment of institutions; (c) the development of rural organizations and of the interactive processes with government institutions; and (d) development of human resources for the above purposes. (e) development of methodologies and programmes for the inclusion of women at all levels of the decision making process in he management of projects and programmes.

Activities

35. Information and capacity-building, with an emphasis on the role of voluntary organizations (VOs) in promoting power-sharing between central authorities and the local level. A major task would be to gather information on human resources, institutions and the roles of governments, local communities and VOs in social innovation.

36. National programmes to mobilize people and institutions towards full participation in achieving the local goals of sustainable agricultural and rural development. Support for this would include information collection and analysis; organization of farming population; re-organization or strengthening of rural institutions including farmers' cooperatives, agricultural extension services, technical and professional training, applied research and programme development.

37. Support to non-formal education or extension and technology transfer to farm populations. Investment would be required to augment existing infrastructures for human and institution development, particularly in environmentally fragile and neglected zones. Development of strategies and programmes to ensure the involvement of women within all programmes and projects; such strategies should be directed at NGO's, governments at both national and local and at informal community structures.

C.3 INTEGRATED PRODUCTION SYSTEM MANAGEMENT AND DIVERSIFICATION OF RURAL INCOMES

Basis for Action

38. Agriculture needs to be intensified to meet future demands for commodities and to avoid further expansion onto marginal lands and encroachment on fragile ecosystems. Increased use of external inputs and development of specialized production systems tend to increase vulnerability to environmental stresses and market fluctuations. There is, therefore, a need to intensify agriculture by diversifying the production systems for maximum efficiency in the utilization of local resources while minimizing environmental and economic risks. Where intensification of farming systems is not possible other opportunities could be identified and developed cottage industries, wildlife utilization, aquaculture and fisheries, non-farm activities such as light manufacturing, farm commodity processing, agribusiness, recreation and tourism, etc..

Objectives

39. The main objectives of the programme are to improve sustainable farm productivity, raise income, reduce risks and increase the welfare of rural families. The programme could focus on understanding farmers' circumstances and seeking their active involvement in improving their income and living conditions. Its emphasis could be on technology development for sustainable production systems based inter alia the indigenous technologies and the use of biological and ecological processes, including alternative farming methods such as crop rotation, organic manuring, and other techniques involving reduced use of agricultural chemicals. The efficient utilization of external inputs could be maximized and their use and impact on the environment minimized. The programme will focus on the improvement of living conditions.

40. The production systems management programme could enable a systems approach to identification, formulation and implementation. The overall scope is loosely defined to facilitate the inclusion of a variety of production systems (eg. agroforestry, aquaculture, and inland fisheries).

Activities

41. Preparation and implementation of programmes for Integrated Production Systems Management and Rural Income Diversification. The approach could be participatory, relying on involvement of rural people and building on their experience, aspirations and resource endowments. It would seek to decentralize decision-making by providing incentives and resources for initiatives by local communities and by enhancing their status and management capacity, including that of women.

42. Implementation of farming systems development methodologies will look for technologies and crop, livestock and tree systems which use biotechnology products, available biological diversity, promote biological control of pests and weeds and draw on multiple sources of nutrients. This would be achieved through dialogue with rural communities, farm surveys, on-farm testing of technologies and farm management methods as well as appropriate biosafety methods. The effects of technical innovations and incentives on farm-household incomes and well-being will be analyzed.

43. Flexible programmes and projects to address specific constraints and needs of agro-ecological zones. Linkages with other ICPF/SARD programmes could be developed, in particular with those related to input and output marketing systems, credit and small rural industries. The approach would result in a set of sustainable (socially, ecologically and economically viable) crop and livestock systems which are replaceable and can be extended through credit and investment programmes. programmes to collect and record indigenous knowledge and to provide services such as training, credit, specialized technical advice and protection of indigenous culture for indigenous people involved in economic activities in the forest, on the farm and off-farm such as in commerce and trading.

43. bis [Development and Improvement of Infrastructure] to be developed;

C.4 LAND RESOURCES CONSERVATION AND MANAGEMENT

44. The Sustainable Agriculture and Rural Development Programme constitutes two components, which are also related to Agenda 21's action to control land degradation. This are: i) Land use planning and ii) Land Conservation and Rehabilitation. This programme is related to the item on an integrated approach to planning and management of land resources.

I - Land Use Planning

Basis for Action

45. Inappropriate and uncontrolled land uses are a major cause of degradation and depletion of land resources. Present land use often disregards the actual potentials, carrying capacities and limitations of land resources as well as their diversity in space. The world's population now at 5.4 billion is estimated to be 6.25 billion by the turn of century. The need to increase food production to meet the expanding needs of the population will put an enormous pressure on all natural resources, including land. A concerted effort is needed to examine the technical solutions, build the knowledge base of land resources potentials and limitations as well as the human resources capacities and institutional structures that would enable wise decisions to be made at all levels regarding the allocation, management and conservation of land resources.

Objectives

46. Pilot or trial systems could be in place at the national and local levels to ensure optimum allocation of land and related resources for competing needs, as an essential basis for the design and application of integrated and comprehensive development programmes within each ecological zone, region or combination of physical, social and economic conditions. At each level, such pilot or trial a systems would consist of three major components: information gathering and storage; application of methods and techniques for using the information to select and design land uses; and an appropriate institutional framework.

Activities

47. The following sequence could be applied at each level (national, provincial, local):

a. Establishment and development of appropriate bodies responsible for land resources planning and use, conservation as well as systematic observation, and the necessary linkages between them.

b. Establishment and development of the necessary technical capacities to support these bodies for land resource evaluation, land zoning, land use planning, land use monitoring and control;

c. Establishment at each level of the appropriate methodology and procedures to identify development planning zones on ecological, physiographic, administrative, social and economic grounds;collect the necessary information for planning and programme development purposes;establish data storage systems;identify land use options in terms of products, production systems, input/output relationships, environmental impact;selection of the optimum combination of options in relations to goals and objectives;design of the implementation programme, including the necessary policy, economic and legal framework;provision of additional funds, if required; monitor the conditions and status of land, water and other natural resources.

d. Establishment at each level of the necessary consultative process with land users for the elaboration and acceptance, after modification, of the proposed programmes, with their attendant policies legal and economic instruments.

e. Responsibility for land resources planning, conservation and monitoring, the necessary technical capacities to support land resources evaluation, land zoning land use planning, land use monitoring and control, and the necessary linkages between them should be assigned to existing bodies wherever possible. Adequate support must be provided to fulfil the assignment. New bodies should be created only as a last resort.

ii - Land Conservation and Rehabilitation

Basis for Action

48. Land degradation is the most important environmental problem facing both developed and developing countries. The problem of soil erosion is particularly acute in developing countries. Land degradation is serious because the productivity of huge areas of land is declining just when populations are increasing rapidly and the demand on the land to produce more food, fibre and fuel is growing. Efforts to control soil erosion, particularly in developing countries have had limited success to date. Well-planned, long-term national and regional land conservation and rehabilitation programmes with strong political support and adequate funding are now needed. While land use planning and land zoning should provide long-term solutions to the land degradation problems, it is urgent to arrest land degradation and launch land conservation and rehabilitation programmes in the most critically affected or vulnerable areas.

Objectives

50. The national programmes can only increase in numbers, size and scope as staff are trained, experience is gained and institutions are developed. The main objectives in each country could be the assessment and mapping with particular attention to most critical areas; development of national policy, priorities, programmes and strategies for land conservation and rehabilitation; development of related research capacities and implementation capacities, including staff training; establishment of a field advisory support service to land users (including staff training);launching rural community-led programmes of land conservation and rehabilitation.

Activities

51. National action could include:

a. improving the national inventory of land resource conservation and rehabilitation requirements, establishment of a land resource degradation database, investigation of causes of land misuse and identification of priorities;

b. encouraging participation by helping land users to launch programmes of land conservation and rehabilitation, organizing demonstrations providing technical advice and training and promoting awareness of land productivity and conservation issues;

c. developing national institutions to support high level advisory commission for land resource conservation and rehabilitation, strengthen government conservation services, encourage work of NGOs, create legal framework, review workforce and training programmes, identify research needs and develop nation-wide land conservation programmes.

d. Removal of policy distortion which leads to land degradation.

Note: These activities should include actions on land-based sources of coastal zone and ocean pollution and related pesticides. Refer to Agenda 21 proposals worked out by Working Group II.

52. Regional networks can facilitate experience sharing and provide effective information exchange, advanced training in specialised areas and cooperation in conservation research.

53. At international level, adequate, new and additional financial support for pilot or trial efforts would need to be assumed and coordinated work

organized between technical assistance agencies, financing institutions and NGOS.

C.5 WATER RESOURCES FOR AGRICULTURE

Basis for Action

54. Agriculture is the main user of fresh water. Yet in many areas it is the limiting factor to increased agricultural production because of shortages, excess or waste. Water wastage in agriculture is not only one of the main causes of unsustainable production but also a cause of land degradation (erosion, waterlogging, soil salinization), water pollution, water-borne diseases, disasters (floods) and other environmental problems. Most present irrigation systems do not meet the criteria of sustainability. This programme is related to action under Freshwater Resources presented to the Preparatory Committee and to the Dublin Conference on Water and the Environment.

Objectives

55. The overall objective of the International Action Programme on Water and Sustainable Agricultural Development (IAP-WASAD) is to assist in the achievement of sustainable agricultural development through optimum use and conservation of water. More specifically, the objectives of the programme are to assist governments to develop or update a national water use policy within the framework of the overall economic and agricultural development plan, recognizing the demand for freshwater by other economic sectors; develop an integrated agricultural water use and conservation strategy to support sustainable agricultural development, encompassing crop and livestock production, fisheries, forestry and other intersectoral issues related to agricultural development;formulate and implement sustainable water programmes aimed at fulfilling the national goals of food security and self-reliance, import substitution, crop diversification, etc.; strengthen institutions and develop human resources to support national programmes on agricultural water use and conservation.

Activities

56. A programme at regional, sub-regional and country levels would enable comprehensive planning, inter-sectoral collaboration, identifying projects that support one another, minimize overlap and conflicts, and ensure optimum utilization of financial and human resources. The elements of this programme could be:

a. National water use policy would include estimation of the nation's total surface and groundwater resources and allocation of water to the agricultural sector, including the re-use of wastewater, water legislation, water rights and water conservation.

b. Agricultural water use and conservation strategy would include rainfed agriculture and irrigated farming in food production; large-scale versus small-scale water programmes; conservation programmes to support rainfed agriculture, livestock production, aquaculture and agroforestry; rehabilitation of existing irrigation projects and development of new ones.

c. Development and implementation of water programmes, would include evaluation of irrigation and rainfed agriculture development projects; feasibility studies and projects to rehabilitate existing projects or develop new projects;introduction of new technologies to increase crop yields and water use efficiency; prevention and control of waterlogging and salinity, including studies and pilot projects in reclaiming waterlogged and saline areas; protection against agricultural and industrial pollution as well as intrusion of sea water; feasibility of

safe use of treated municipal effluent in crop production and recharge of aquifers and pilot projects in this area;water harvesting;programmes to predict and manage drought.

d. Institutional strengthening and human resources development would include review and strengthening of institutions that support water resources development programmes; development of mechanisms for inter-sectoral collaboration; adaptive research, data collection, monitoring and extension services;review and development of existing human resources; increase the number of trained persons; develop technical guidelines and extension bulletins to support development programmes.

C.6 CONSERVATION AND UTILIZATION OF GENETIC RESOURCES FOR AGRICULTURE

Basis for Action

57. This Programme is part of a set of activities on biodiversity conservation and use for food, agriculture, forestry and fisheries and of the overall International Cooperative Programme Framework for SARD. It contributes to addressing the issue of food security. This programme includes plant and animal genetic resources and is therefore described as two separate components, and is related to actions presented to the Preparatory Committee under Biological Diversity.

i - Plant Genetic Resources for Sustainable Agriculture

Basis for action

58. Plant genetic resources for agriculture (PGRA) are an essential resource to meet future needs for food. Threats to the security of these resources are growing and efforts to conserve, develop and use genetic diversity are underfunded and understaffed. Many existing genebanks provide inadequate security and in some instances, the loss of plant genetic diversity in genebanks is as great as it is in the field. Therefore, there is an urgent need to strengthen global initiatives for security and sharing of the results of biotechnology derived from this genetic materials.

Objectives

59. The primary objective is to safeguard the world's genetic resources while preserving it to use sustainably. This includes the development of measures to facilitate the conservation and use of plant genetic resources, networks of in situ conservation areas and use of tools such as ex situ collections, germ plasam banks, and biotechnology. Special emphasis could be placed on the building of endogenous capacity for characterization, evaluation and utilization of PGRA particularly for the minor crops and other underutilized or non- utilized species of food and agriculture, including tree species for agro-forestry.

60. Subsequent action could be aimed at consolidation and efficient management of networks of in situ conservation areas and use of tools such as ex situ collections, germ plasam banks, and biotechnology; further evaluation and use of plant genetic resources; and realization of equitable sharing of benefits from the use of plant genetic resources for biotechnology products.

Activities

61. The main activities could focus on:

a. the development and strengthening of institutional capacity, structures and programmes for conservation and use of PGRA;

b. establishment of ex situ base collection networks;

c. strategies for developing networks of in situ conservation areas and use of tools such as ex situ collections, germ plasam banks, and biotechnology. [proposal: omit]

d. establishment of global technological exchange, information and early warning systems on PGRA;

e. preparation of periodic State of World's Report on PGRA;

f. organization of a Fourth International Conference on PGRA;

g. [preparation of a rolling global Plan of Action on PGRA;] [proposal: omit]

h. [development of mechanisms to realize Farmers' Rights;] or alternatively, add [development of mechanisms on breeders' rights;] omit

i. [development of further legal instruments, as appropriate;] omit

j. strengthening of research in the public domain on PGRA utilization with the objectives of sustainable agriculture and rural development in view;

k. development of multiplication/propagation particularly in developing countries, exchange and dissemination facilities for PGRAs (seeds and planting materials); monitoring, control and evaluation of plant introductions.

62. Further analysis of needs and gaps in the Global System on PGRA; Consolidation of activities and monitoring progress will be needed subsequently.

ii - Animal Genetic Resources for Agriculture

Basis for action

63. The need for increased quantity and quality of animal products and for draught animals calls for conservation of the existing diversity of animal breeds to meet future requirements, including those for use in biotechnology. Some local animal breeds have unique attributes for adaptation, disease resistance and specific uses, which in addition to their socio-cultural value should be preserved. These local breeds are threatened by extinction as a result of the introduction of exotic breeds and of changes in livestock production systems.

Objectives

64. The breeds of major farm animals and domesticated grazing animals, should be preserved through networks of in situ conservation areas and use of tools such as ex situ collections, germ plasam banks, and biotechnology. These breeds should be characterized and evaluated. Genetic material and related information should be stored and made accessible to users. Staff should be trained in conservation and use of animal genetic resources. Presently under-utilized breeds, including those of semi-domestic animals, should be more widely exploited.

Activities

65. At national level, preparation and/or completion of national inventories of available animal genetic resources. Cryogenic storage could be given

priority over characterization and evaluation. Training of nationals in conservation and assessment techniques would be given special attention.

66. Further development of Regional Animal Gene Bank capacities to store material and support the above national activities is necessary. Regional assessment and monitoring of breeds flow across national boundaries could be promoted. Information and genetic material exchange with national programmes including in the private sector and research institutions could be further developed.

67. At the global level, priorities could be: processing, storage and analysis of animal genetic data; this would include production of a World Watch Kit and Early Warning of endangered breeds; global assessment, scientific and intergovernmental guidance of the Programme and review of regional and national activities; development of methodologies, norms and standards (including international agreements), monitoring of their implementation and related technical and financial assistance.

C.7 INTEGRATED PEST MANAGEMENT IN AGRICULTURE

Basis for action

68. World food demand projections indicate an increase by 50% by the year 2,000; more than double again by 2050. Conservative estimates put crop losses caused by pests between 25 and 50%. Pests affecting animal health also cause heavy losses and in many areas prevent livestock development. Chemical control of agricultural pests has dominated the scene but its overuse had adverse effects on the farm budgets, human health and the environment as well as international trade. New pest problems continue to develop. Integrated Pest Management which combines biological techniques, genetic resistance, and appropriate farming practices and minimizes the use of pesticides is the best option for the future, as it guarantees yields, reduces costs, is environmentally friendly and contributes to the sustainability of agriculture. Integrated Pest Management should go hand in hand with the establishment of appropriate pesticide management to allow for pesticide regulation and control including of trade, and for the safe handling and disposal of pesticides particularly those that are acutely toxic and persistent. This programme is related to action under toxic chemicals presented to the Preparatory Committee.

Objectives

69. By the year 2000 each country could have reliable plant protection and animal health services; integrated pest management techniques within the reach of farmers; mechanisms to control distribution and use of pesticides; and for the implementation of other aspects of the FAO International Code of Conduct on Pesticides; operational and interactive networks among farmers, research and extension services for the promotion of integrated pest management; under the sponsorship of FAO and in cooperation with other research institutions and the aid-providing institutions, a consultative process should be in place to respond to national and regional needs to develop integrated pest management programmes. mechanisms to control distribution and use of pesticides and for implementation of other aspects of FAO international Code of conduct on Pesticides. A consultative process should be in place to respond to national and regional needs to develop integrated pest management programmes. At least pilot programmes should be in place to put integrated pest management techniques within the reach of farmers. Networks among farmers, extension service and research institutions will support these programmes. Reliable plant protection and animal health services employing integrated pest management should be offered as they become available.

Activities

70. These could include:

a. Development of national systems and institutional capacities to control the import, distribution and use of pesticides;

b. Formulation and implementation of strategies for integrated pest management systems which will aim at improving yields, farmers' profitability and minimizing the impact of pesticides on human health and the environment;

c. Strengthening of national agricultural research and extension programmes and involvement of farmers to deal effectively with integrated pest management issues;

d. Strengthening of the international agricultural research system to support countries with information, technologies, training, institutional strengthening leading to a comprehensive programme on components of integrated pest management;

e. Advice to international, regional and national programmes in the development and application of integrated pest management for those crops where there is pesticide overuse;

f. Adoption of policies to phase out the use of acutely toxic and persistent pesticides and to discontinue any form of direct or indirect subsidy on the purchase and utilization.

Note: These activities should include actions on land-based sources of coastal zone and ocean pollution and related t pesticides. Refer to Agenda 21 proposals worked out by Working Group II.

C.8 SUSTAINABLE PLANT NUTRITION

Basis for Action

71. Plant nutrient depletion is a serious problem resulting in loss of soil fertility, particularly in developing countries. To maintain soil productivity, FAO's sustainable plant nutrition programmes could be helpful. In Sub-Saharan Africa, nutrient output from all sources currently exceeds inputs by a factor of 3 or 4, the net loss being estimated at some 10 million tonnes per year. As a result more marginal lands and fragile natural ecosystems are put under agricultural use, thus creating further land degradation and other environmental problems.

Objectives

72. The programme has to be seen in the framework of the "Integrated Plant Nutrition Systems" (IPNS), an approach which is economically viable, environmentally sound and socially acceptable. It would aim at ensuring a sustainable supply of plant nutrients to increase future yields without harming the environment, thus maintaining national soil productivity.
It would seek to optimize possible plant nutrient sources, organic (including biological nitrogen fixation) and mineral, in an integrated approach. The objectives of the programme could be to increase and sustain soil productivity to meet present and future demands; and to enhance the quality of land resources, and protect water resources, avoiding plant nutrient depletion.

Activities

73. This programme could study plant nutrient depletion and its impact on soil productivity; formulate national strategies and targets for the maintenance and improvement of soil productivity; alternative options for plant nutrient supply to meet projected demand; practices to increase the efficiency of plant nutrient applications; national fertilizer policies.

74. Activities could be undertaken within country and/or regional projects in three phases:

a. an average six-month phase study to establish the status of the soil fertility and plant nutrient depletion and the sustainability of current plant nutrition practices and techniques, and to formulate national strategies and proposals for sustainable plant nutrition;

b. a ten-year project of technology development and dissemination, leading to capacity-building and supply of plant nutrients (soil amendments and mineral fertilizer) to counteract plant nutrient depletion and enhance agricultural production on a sustainable basis. This second phase would gradually lead to a third interactive process involving farmers, research and extension services. Such projects could be implemented on an individual country basis, sub-regional level, sub-continent level or specific group of countries.

c. monitor the nutrient off-take from an adequate sample of representative farms and the nutrient status of the crops and soils from those farms to measure the impact of plant nutrient management programs and actual farm practice.

C.9 RURAL ENERGY

Basis for Action

75. Energy supplies in many countries are not commensurate with their development needs, are highly priced and unstable. In rural areas of the developing countries, the chief sources of energy are fuelwood, crop residues and manure, together with animal and human energy. More intensive energy inputs are required for increased productivity of human labour and for income-generation. To this end, rural energy policies and technologies should promote a mix of cost-effective fossil and renewable energy sources that is itself sustainable and ensures sustainable agricultural development. Rural areas provide energy supplies in the form of wood. The full potential of agriculture and agroforestry, as well as common property resources, as sources of renewable energy is far from being realized. The attainment of sustainable rural development is intimately linked with energy demand and supply patterns. This programme is related to actions under Energy and Forests presented to the Preparatory Committee.

Objectives

76. Two types of projects would be required at the country level and municipal level with the objective of providing the necessary energy for household, agriculture and agro-industry needs; and to assist in the energy transition in rural communities from informal markets based on wood fuels to a better structured one based on more diversified sources of energy. Such transition should take into account wether such source of energy could be affordable by the rural poor.

Activities

77. The proposed programme could be made operational by:

a. Establishment of a high level task force to prepare an Approach Paper

for Rural Energy for the country. This phase may extend up to six months.

b. Preparation of micro-level pilot projects in one or more selected areas and preparation of area-based integrated rural energy plans and project documents for these areas. Establish evaluation and foundation nurseries to produce planting stock of appropriate indigenous and exotic species.

c. Implementation of the pilot projects and development of a suitable institutional mechanism at the country level and in the selected areas to implement and monitor the projects. The two phases for preparation and implementation of the pilot projects may extend from 1-2 years.

d. Extension of the pilot integrated rural energy projects to other micro-regions in a phased manner, planning, implementation and monitoring of the integrated rural energy planning programme; organizing man-power development and training programme for professionals and others involved in the programme at different levels; introduction of the computer modelling system for the rural energy sector. This phase could eventually result in a regular operational programme.

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Agenda item 3

LAND RESOURCES

Revised draft decision submitted by the Chairman

The Preparatory Committee,

Having considered document A/CONF.151/PC/63 on land resources, including the programme areas protection and management of fragile ecosystems, integrated approach to planning and management of land resources and sustainable agriculture and rural development in the context of Agenda 21;

1. Notes that there is broad agreement on the programme areas contained in document A/CONF.151/PC/WG.1/CRP.12/Rev.1, annexed to this decision, as well as on the subjects of basis of action, objectives and activities within the programme areas;

2. Notes that the section on fragile ecosystems requires further elaboration, and that it has been agreed to develop separate programmes with regard to all mountains of the world, as contained in the proposals submitted by Governments, as well as in document A/CONF.151/PC/WG.I/L.23;

3. Notes that the section on an integrated approach to planning and management of land resources requires further elaboration and requests that the views expressed by Governments and proposals submitted by delegations be incorporated;

4. Notes that issues related to programmes on water resources for agriculture, genetic resources, integrated pest management and rural energy have not been discussed in detail; partly because these issues also touch on other agenda items of the Preparatory Committee;

5. Invites the Secretary-General of the United Nations Conference on Environment and Development, with regard to the means of implementation of the programmes agreed, to integrate them according to decision ..... of the Preparatory Committee on the general implementation of Agenda 21;

6. Invites Governments to submit any additional comments to document A/CONF.151/PC/WG.I/CRP.12/Rev.1 in writing to the Secretariat of the United Nations Conference on Environment and Development before 1 October 1991;

7. Decides to revert to these issues and to the final consideration of land resources in the general context of Agenda 21 at its fourth session.

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Agenda item 3 (c)

DESERTIFICATION AND DROUGHT

Revised draft decision submitted by the Chairman

The Preparatory Committee,

Having considered document A/CONF.151/PC/62 relating to the issue of desertification and drought in the context of agenda 21,

1. Notes that there is a broad agreement on the contents of A/CONF.151/PC/WG.1/L.29 and the special annex to this decision, in particular with regard to the broad objectives and programme areas, and that the different activities proposed need further elaboration and thereafter be considered by the Preparatory Committee at its fourth session;

2. Notes that while the problem of desertification is one of the central environmental and developmental issues in its own right, it is also part of the more general problem of how to preserve and manage fragile ecosystems;

3. Invites once more the United Nations Environment Programme to implement the provisions of paragraphs 6 and 7 of General Assembly resolutions 44/172 A and B of 19 December 1989 related to the progress achieved in the implementation of the PACD;

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4. Requests the Secretary-General to further elaborate proposals for action on the subject of desertification and drought taking into account relevant new developments, in particular within the framework of UNEP; it being understood that the international systems need to give higher priority to desertification;

5. Invites the Secretary-General of the United Nations Conference on Environment and Development to give detailed proposals for the means and timing of implementing the programmes agreed integrating its decision ... on the general implementation of agenda 21;

6. Requests the Secretary-General of UNCED further to his report in document A/CONF.151/PC/62, to submit to the Preparatory Committee at its fourth session a summary of the results of the financial and technical study requested by the General Assembly from UNEP as well as information on the action taken within the framework of the Sahara/Sahel observatory, as well as the recommendations on the financial, technical and institutional means of implementing the UNCED decisions on desertification control;

7. Decides to consider at its fourth session the action to be taken on desertification within the general framework of agenda 21. Due to the particular importance of these problems, they will be considered as the first item by Working Group I;

8. Invites Governments to submit any additional comments to document A/CONF.151/PC/WG.I/L.29 in writing to the secretariat of UNCED before 1 October 1991.

Annex

The following programme areas are proposed to combat desertification and drought:

Proposed programme areas

(a) Strengthening the knowledge base and developing information and monitoring system of fragile ecosystems and the economic and social aspects of these systems.

(b) Intensifying afforestation and reforestation activities, combating land degradation, support of the management of biotic resources.

(c) Developing and strengthening programmes for integrated development actions and alternative livelihood systems in areas prone to desertification.

(d) Encourage and support popular participation and environmental education.

(e) Design programmes to cope with environmental refugees.

(f) Eradication of poverty.

(g) Integrating anti-desertification programmes into national development programmes and/or national environmental action plans.

(h) Developing and improving an integrated approach to planning and management of land resources already desertified or subject to desertification.

(i) Develop comprehensive drought preparedness and drought relief schemes for drought prone areas.

GESTION ÉCOLOGIQUEMENT RATIONNELLE DE LA BIOTECHNOLOGIE

RÉSUMÉ

Lors de cette troisième réunion du PrepCom, les délibérations ont porté sur :

- la nécessité de déterminer les moyens de promouvoir les transferts de technologie et des ressources financières pour appuyer les développements biotechnologiques;
- savoir si cette question doit être prise en considération en liaison avec la diversité biologique ou séparément avec les pays en voie de développement (principalement menés par les états latino-américains) demandant leur amalgamation;
- le développement de capacités biotechnologiques dans les pays qui disposent de ressources biologiques.

L'examen détaillé d'Agenda 21 (le Plan d'action pour le XXI[e] siècle) n'a pas eu lieu dans le cadre de cette troisième réunion du PrepCom mais attendra la quatrième réunion du PrepCom. On a demandé aux pays de présenter au secrétariat leurs commentaires, ajouts et modifications à cet élément du Programme 21 avant le 1[er] octobre.

Documentation

A/CONF.151/PC/42/Add.5	-	*Environmentally Sound Management of Biotechnology: Options for Agenda 21* (Gestion écologiquement rationnelle de la biotechnologie : Options pour Agenda 21)
A/CONF.151/PC/67	-	*Environmentally Sound Management of Biotechnology* (Gestion écologiquement rationnelle de la biotechnologie)
A/CONF.151/PC/WG.I/L.26	-	*Programme for the generation and transfer of biotechnologies and their sustainable use in developing countries* (Programme pour la production et le transfert des biotechnologies et leur utilisation durable dans les pays en voie de développement)
A/CONF.151/PC/WG.I/L.30	-	*Environmentally Sound Management of Biotechnology: Options for Agenda 21 - Amended* (Gestion écologiquement rationnelle de la biotechnologie : Options pour Agenda 21 - Modification)
A/CONF.151/PC/WG.I/L.38/Rev.1	-	*Environmentally Sound Management of Biotechnology: Options for Agenda 21 - Decision* (Gestion écologiquement rationnelle de la biotechnologie : Options pour l'Agenda 21 - Décision)

DISCUSSION DU PREPCOM

Voici les objectifs canadiens :

1. Promouvoir une discussion importante au sujet des questions de santé et de sécurité liées à la biotechnologie et reconnaître les travaux importants déjà en cours à l'échelle internationale, en particulier les travaux de l'OCDE.

2. Promouvoir la recherche concernant la biotechnologie liée à l'environnement, en particulier dans les secteurs où la biotechnologie peut : (a) réduire le stress sur l'environnement (par exemple la nécessité de moins d'apports d'énergie, l'utilisation moindre d'herbicides chimiques et de pesticides, l'utilisation de produits de remplacement des matières brutes); (b) contribuer à l'atténuation environnementale (par exemple l'utilisation dans les déversement d'huile et d'autres produits de nettoyages chimiques ainsi que dans le nettoyage des effluents industriels avant leur rejet).

3. Réduire et, en tout cas, empêcher les liens entre la biotechnologie et la biodiversité au delà de la question des biotechnologies assez directement apparentées à la conservation de la diversité biologique.

À la suite d'une introduction par le secrétariat de la question relative à la biotechnologie, les interventions ont commencé par celles de la délégation des États-Unis qui a déclaré que la méthode suivie par le secrétariat de la CNUED ne constituerait pas une promotion des buts tels que précisés dans le document 44/228. Qui plus est, la délégation des États-Unis a déclaré que le document relatif à la biotechnologie était désuet et inexact et présentait donc un obstacle au progrès à ce sujet dans le cadre de la présente tribune et dans des forums connexes. La délégation a souligné l'importance inappropriée accordée aux risques de la biotechnologie, le fardeau injuste attribué à la biotechnologie pour régler les problèmes du monde et le calendrier non réaliste attribué aux activités (aussi remarqué dans l'intervention du Canada et dans celle d'un certain nombre d'autres pays).

La délégation du Mexique a aussi indiqué que les options d'Agenda 21 étaient inacceptables étant donné que la mise en oeuvre de nombreuses propositions entraîneraient une dégradation environnementale. Le Mexique a aussi exprimé son inquiétude sur le fait que le document n'étudiait pas la nécessité de promouvoir les moyens de transfert de technologies et de ressources dans les pays en voie de développement qui ont besoin d'avoir accès à la biotechnologie pour la santé, l'alimentation et les processus industriels. Un certain nombre de pays en voie de développement ont appuyé ces deux derniers sujets d'inquiétude.

Les pays en voie de développement (entraînés par les pays d'Amérique latine) ont répété la nécessité d'étudier la biodiversité et la biotechnologie comme une seule question au sein de la CNUED, compte tenu du fait qu'elles ont été discutées comme une seule question dans le cadre du processus INC-BIOD. Un certain nombre de pays industriels se sont prononcés contre cet argument en faisant remarquer que la question de la biotechnologie mettait en jeu plus que la conservation et l'utilisation durable de la diversité biologique. En répondant à la demande de fusion des deux questions, le président a fait remarquer que, telles qu'identifiées dans le document 44/228, ces questions resteront séparées. Cependant, leur présentation dans la version finale d'Agenda 21 peuvent être fusionnées en fonction des programmes adoptés. Cette méthode n'a pas été acceptée par le Mexique qui a introduit la nécessité de fusionner ces questions et qui ne voit pas de logique dans la séparation de la biodiversité et de la

biotechnologie. La Suède était le seul pays industriel qui ait appuyé la fusion de ces sujets au sein de la CNUED.

L'Égypte a déclaré qu'il n'y avait aucune base de discussion sur le droit de propriété intellectuelle quand les droits n'étaient pas accordés aux populations locales qui ont conservé ou développé les ressources biologiques nécessaires pour la biotechnologie. Parmi les autres préoccupations particulières exprimées par les pays en voie de développement il y avait :

- une demande de compensation des populations locales qui avaient conservé ou développé des ressources biologiques;
- le fait que des priorités pour la recherche biotechnologique étaient établies à l'extérieur des pays qui possédaient la ressource biologique, et la plupart du temps par le secteur privé pour lequel les marchés des pays en voie de développement n'étaient pas intéressants; et
- le développement d'un moyen et de mécanismes pour traiter du problème que présente les droits de la propriété intellectuelle.

Un certain nombre de pays, tant industriels qu'en voie de développement, on pris note avec intérêt et inquiétude de la proposition visant au développement d'un «consortium biotechnologique» et ont demandé une plus grande élaboration du concept avant de se prononcer en faveur de son soutien ou de son rejet.

Le temps disponible pour une discussion complémentaire de cette question au cours de la troisième session était limité. Une version modifiée (L.30) des options d'Agenda 21 a été produite par le secrétariat mais n'a pas été examinée en détail par le PrepCom. Un examen complémentaire de cette question et des options qui accompagnent l'Agenda 21 devront attendre la quatrième session du PrepCom.

Davantage de délibérations au sujet de ces questions furent centrées sur la préparation du document de décision finale avec le président du Groupe de travail I, éloignant le Groupe de travail de la considération de la substance pour se concentrer sur le processus. Le président a souligné que la tâche du Groupe de travail en ce qui concernait cette question était de s'assurer que la décision résultante reflète de façon pertinente les résultats de nos discussions à cette troisième session et le désir du Groupe de travail quant à l'établissement d'une orientation des délibérations en vue de la préparation pour la quatrième session.

RÉSULTATS ET ÉVALUATION

La décision résultante est analogue quant à sa structure et au contenu à celle sur la diversité biologique. Elle demande au Secrétaire général de communiquer le document L.30 à INC-BIOD, pour qu'il prenne en considération les points de vue exprimés lors de la troisième session dans la préparation d'Agenda 21 et pour qu'il l'intègre dans les secteurs de programmes des dispositions d'Agenda 21 en vue de sa mise en oeuvre. Cette décision, comme celle relative à la diversité biologique, demande que le Secrétaire général fasse part au processus INC-BIOD des interconnexions entre la biotechnologie et d'autres objectifs d'environnement et de développement et reconnaisse que la relation entre la biotechnologie et la diversité biologique doit être examinée de façon plus approndie lors de la quatrième session.

La décision détermine les secteurs de programme suivants comme englobant la conservation de l'élément diversité biologique d'Agenda 21 :

- accroître la productivité végétale et animale;
- promouvoir l'amélioration de la santé humaine;

- améliorer la protection environnementale;
- améliorer la sécurité et élaborer des mécanismes internationaux de coopération;
- mettre en oeuvre des mécanismes permettant la saine application environnementale de la biotechnologie.

La décision ouvre la porte à des présentations supplémentaires par des gouvernements au sujet des secteurs de programme et (ou) des objectifs et activités. Ces présentations doivent être envoyées au secrétariat au plus tard le 7 octobre 1991.

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Agenda item 5

ENVIRONMENTALLY SOUND MANAGEMENT OF BIOTECHNOLOGY

Proposal by the delegations of Bolivia, Colombia, Costa Rica, Ecuador, El Salvador, Nicaragua, Peru and Venezuela

Programme for the generation and transfer of biotechnologies and their sustainable use in the developing countries

Bases for action

The developing countries, with their rich biological diversity, have not profited from the recent advances in biotechnology, a field which has its foundation in that very diversity. Nor have they benefited from the economic potential of the sustainable use of their biodiversity, due to the application of investment and development models which not only restrict their access to research but also disregard the positive contributions made by the traditional knowledge and practices from which mankind has benefited.

Objectives

The object of this programme is to design and implement mechanisms for the generation and transfer of biotechnologies and their sustainable use and exploitation in the developing countries, for which purpose it is necessary to consider the following specific points:

Identification and establishment of appropriate means for the generation and transfer of biotechnologies;

Strengthening of national institutions and promotion of prompt and growing international cooperation;

Exploitation of the genetic potential of species and achievement of their sustainable use;

Rapid training of highly qualified human resources in the developing countries.

Activities

(a) Promotion of the organization of national systems for the generation of biotechnologies that comprise government, academic and private institutions;

(b) Design and implementation of financial mechanisms promoting biotechnological research for the sustainable exploitation of biological diversity;

(c) Execution of programmes for training and exchange of knowledge on traditional biotechnologies;

(d) Research and development in respect of new technologies directed towards the sustainable exploitation of biological resources through international cooperation on favourable conditions for the countries that are rich in biological diversity;

(e) Promotion of exchanges of biotechnological information through channels for cooperation, particularly horizontal and regional;

(f) Improvement and strengthening of national, subregional and regional institutions through on-the-spot research into biological resources;

(g) Design and implementation of mechanisms for the training and participation of national scientists and the population in the generation and sustainable use of biotechnology;

(h) Development of biotechnological research programmes to guarantee environmental sanitation, health, food security and conservation of biological diversity;

(i) Design and implementation of mechanisms to resolve the current situation regarding intellectual property rights, which guarantee the protection of traditional farmers and native varieties and strains; and

(j) Creation of an endogenous capacity to evaluate, adopt and introduce biotechnologies in accordance with national needs and priorities.

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Agenda item 5

ENVIRONMENTALLY SOUND MANAGEMENT OF BIOTECHNOLOGY

OPTIONS FOR AGENDA 21

Chairman's Summary and Proposals for Action

Introductory remarks

1. At this stage of preparation of Agenda 21, and as with the various other issues of the Working Group under discussion, two main considerations appear to emerge as background to the further work of the Working Group on the proposals made for amending document A/CONF.151/PC/42/Add.5:

(a) It is not yet possible to define with precision the exact shape of Agenda 21. Major interlinkages - even with such closely-related issues on the UNCED agenda as biodiversity, science, agriculture, health, freshwater, forestry, desertification and others - remain to be clarified and developed; costing exercises have not yet been carried out; essential cross-sectoral issues such as financing and transfer of technology are still to be discussed in the plenary; and institutional aspects will be considered by WG III, among other matters. In particular, the crucial integration of development and environment into a coherent action framework cannot yet be finalized.

(b) It is nevertheless of crucial importance for negotiations of the various elements of Agenda 21 to be taken as far as possible at the current session of the Preparatory Committee. All agreements remain provisional and ad referendum at this stage: final agreement will be possible only when the shape and structure of Agenda 21 as a whole is known. But it is possible to start preparing the building blocks even at this stage. It is therefore essential for Governments to be able to negotiate firm texts to clarify areas of agreement and to identify areas requiring further negotiation.

2. This paper is intended to set the stage for the negotiation and to provide a firm background for the negotiating texts. Part I is a summary of the main points to emerge from the debate on A/CONF.151/PC/42/Add.5. This text remains background material on the Chairman's own responsibility and is not submitted for negotiation.

3. Part II contains a preliminary draft text to be negotiated. Informal consultations in various forms would help to facilitate agreement as far as possible during this session of the Preparatory Committee.

PART I

BACKGROUND COMMENTS ON THE PRELIMINARY DRAFT TEXT TO REVISE THE PROPOSALS CONTAINED IN A/CONF.151/PC/42/Add.5

4. The interesting discussion on A/CONF.151/PC/42/Add.5 revealed a general measure of support for the overall shape of the document, though a number of delegations suggested consolidating it with the Options paper on Biodiversity. It should be possible to accommodate the many helpful comments and suggested amendments within the existing structure. A number of detailed amendments were proposed for the specific programme areas. The preliminary draft text at Part II of this document is provided for the purpose of facilitating the negotiation of an agreed text.

5. Several general points emerged on the overall content of the document:

(a) Biotechnology is a relatively new and rapidly-expanding area of human activity at the leading edge of scientific and technological development, with all the concomitant potential for meeting the development needs which that engenders. It therefore has a particularly important role in the UNCED process. At this stage the full extent of its potential remains uncertain, however, so the expectations raised in the document need to be set at realistic levels. Biotechnology needs to be utilised to serve the needs of development, but is not a panacea.

(b) At the same time, the special characteristics of the technologies involved point to the need to ensure that risk assessment and management procedures (involving inspections, impact studies, research, new national institutions or other possibilities) should be developed as an integral element of Agenda 21.

(c) The potential problems associated with a relatively new area of activity of this kind, in particular the technological, economic, and commercial implications are brought into sharper focus by its links with biological and genetic resources. Biotechnology relies to a certain extent on the custodians of biological and genetic resources, primarily in the developing countries; it highlights the issues surrounding the question of intellectual property rights; and it raises questions about standard setting within different parts of the international community.

(d) The links between biotechnology and biodiversity, and by extension with the negotiating process for a convention on biodiversity - need to be recognised more explicitly within the Agenda 21 Options document. This should also take more account of other important sectoral and cross-sectoral issues identified within the UNCED process, covering, among others, the forest, soil, freshwater and marine sectors.

(e) The importance of international action to develop safety procedures was underlined. This should be supported by action at the national level, with programmes to emphasise capacity building at local and national levels. The valuable role which indigenous communities can play should also be highlighted.

(f) The need for additional funding for genetically rich developing countries was stressed, with particular reference to the development of their own capacities for developing and/or acquiring the new technologies to meet their particular needs.

(g) The potential value of applying biotechnology alongside and in support of more traditional methods and technologies was stressed.

(h) It was agreed that national sovereignty over biological and genetic resources needs to be fully respected.

6. Comments were made on specific programme areas as follows:

(a) The objectives of Programme A ("Increase plant and animal productivity") were considered to be over optimistic.

(b) Similarly, the target dates for achieving the objectives of Programme B ("Promote improved human health") were considered to be too early.

(c) There was general support for Programme C ("Environmental Protection").

(d) On Programme D ("Enhance safety"), it was considered that the activities should be developed to reflect more fully the further work required as identified in A/CONF.151/PC/67 (Part II). A wide spectrum of views on the desirability of developing an international Code of Conduct on Safety Procedures was expressed, though there was widespread support for some form of internationally agreed guidelines.

(e) On Programme E ("Enabling mechanisms"), strong emphasis was laid on the key need for the development of ensuring adequate institutional capacities - especially within developing countries - for research and training, raising public awareness, the development of human resources and information facilities, matched by appropriate levels of financial support. The proposal to establish a Biotechnology Consortium merited consideration, and further work was required on the idea. It should build upon relevant ongoing activities.

PART II

ENVIRONMENTALLY SOUND MANAGEMENT OF BIOTECHNOLOGY: OPTIONS FOR AGENDA 21

I. INTRODUCTION

7. This paper contains options for Agenda 21 [was prepared by the UNCED secretariat in response to decision 2/10 of the Preparatory Committee at its second session, which took note of the progress report] on the environmentally sound management of biotechnology. [(A/CONF.151/PC/29), following on the requests made in decision 1/17 of the Preparatory Committee at its first session to have a full discussion of relevant aspects of environmentally sound management of biotechnology at its third session. Given] It takes account of the linkages of certain relevant aspects of biotechnology to biodiversity and in particular the negotiations for a convention on biological diversity. [the Secretary-General of UNCED was requested to investigate further the potential areas for action in the light of the comments made at the second session. 1/]

[2. This paper suggests possible response options for Agenda 21 to meet the most critical issues identified in the background paper (A/CONF.151/PC/67).]

[3. Biotechnology, like all technologies, when applied with proper care and safety, could help, for example, to promote the protection of human health; to enhance food security through sustainable agriculture; to minimize hunger and alleviate poverty; to enhance the industrial development process that transforms raw materials much more efficiently; to support reforestation and afforestation activities; and to detoxify hazardous wastes.]

[4. The proposed options constitute an integrated package of programmes that could facilitate and accelerate the environmentally sound management of biotechnology.]

8. The environmentally sound management of biotechnology opens up many new prospects for promoting sustainable development, especially when applied in support of or in combination with existing more conventional or traditional methods and processes. These opportunities include better health care, enhanced food security through sustainable agriculture, the alleviation of hunger and poverty, the supply of purer water, more efficient industrial development processes for transforming raw materials, support for sustainable methods of afforestation and reforestation, and the detoxification of hazardous wastes. It also offers new opportunities for global partnerships, especially between the developing countries which are the custodians of much of the world's stock of biological and genetic resources and those countries which have developed the technological expertise to transform those resources to serve the needs of development.

[1/ A/46/48, (25 May 1991.)]

Notes: Bold text indicates proposed new language.

[Square brackets] indicate proposed deletions.

9. Like all new technologies, however, biotechnology needs to be applied with proper levels of care and safety. The programme areas set out below constitute an integrated package to promote the sustainable application of biotechnology within an internationally agreed framework of safety to facilitate and accelerate the environmentally sound management of biotechnology.

10. Biotechnology relies to a certain extent on a supply of biological and genetic resources, which are particularly abundant in tropical countries. It can also assist, for example through ex situ methods, in the conservation of those resources. The programme area set out in this paper therefore needs to take continuing account not only of the development of the Options for Agenda 21 on the Conservation of Biological Diversity, but also of the progress made in the negotiations on a Convention on Biological Diversity. As the Backgroumd and Issues paper (A/CONF.151/PC/67) indicated, however, the potential of biotechnology brings it into a very close relationship with a wide spectrum of sectoral and cross-sectoral activities. These include agriculture, horticulture, aquaculture, health care, embryo technology, marine, environmental and waste management, energy and mining, industrial production and forestry.

II. OPTIONS FOR AGENDA 21

Biotechnology objectives

11. The options for Agenda 21 focus on [four] five principal objectives, which respond to the needs identified in the Background paper on the Environmentally Sound Management of Biotechnology to promote sustainable development:

(a) Increase food productivity in sustainable agricultural systems through the use of [advanced] biotechnology applications in combination with conventional/traditional methods, techniques and technologies.

(b) [Improve] Contribute to improvements in human health globally.[by combating both communicable and non-communicable diseases] [by the year 2000.]

(c) Prevent and halt environmental degradation, [as well as] and preserve environmental integrity, by the judicious application of biotechnology.

(d) Implement effective global safety procedures.

(e) Stimulate the development and transfer of biotechnology applications in water treatment and purification to facilitate the provision of safe, clean, reliable water supplies.

Proposed Programme Areas

12. [The following] Five major programme areas are proposed as follows: [options for consideration by the Preparatory Committee:]

A. Increase plant and animal productivity.

B. Promote improved human health.

C. Environmental protection.

D. Enhance safety and develop international mechanisms for cooperation.

E. Enabling mechanisms for the environmentally sound application of biotechnology.

13. For the implementation of these proposed programmes and the potential activities, national Governments, United Nations programmes and agencies, bilateral and multilateral development assistance organizations, industry, and the appropriate non-governmental organizations should collaborate to undertake the [below-mentioned] following programmes.

A. INCREASE PLANT AND ANIMAL PRODUCTIVITY

Basis for Action

14. [Rapid population growth,] Rapidly increasing demand, combined with plant, animal, and human diseases, and accelerating environmental deterioration [are some of the important factors mitigating] mitigate against increased food production on a global basis. New technologies will be required to supplement [current agriculture] existing and traditional agricultural methods and associated techniques and technologies. Crop and animal improvement programmes and biotechnology now offer advanced tools. These applications would not only have [to increase] make an important contribution to increasing productivity, but also [contribute to] towards more sustainable agriculture and protection of [the] human health and the environment.

Objectives

15. The aim of this programme is to increase food productivity in sustainable agricultural systems through the use of [advanced] biotechnology applications in support of traditional and conventional methods and techniques,. The specific objectives include:

(a) Increase plant and animal productivity by [25 per cent by the year 2000.] by appropriate differentiated amounts to be agreed by the year 2000.

(b) Reduce dependence on pesticides for food, feed, and fibre by [25 per cent] appropriate differentiated amounts to be agreed by the year [2000.], in combination with advances in integrated pest management and development of disease and pest-resistant crops and biological pesticides and the possible use of economic instruments.

(c) Increase productivity on marginal lands through the use of nitrogen fixation and mycorrhiza and reduce dependency on chemical fertilizers.

(d) Promote safety procedures as an integral component of the programme.

Activities

16. The proposed activities of this programme include:

(a) Use [of] conventional technology and biotechnology to develop [transgenic (genetically modified)] plants [that] which are resistant to biotic and abiotic stresses.

(b) Use [of] traditional technologies on nitrogen fixation and myccorhiza in conjunction with advanced molecular biology techniques, to improve nitrogen fixation efficiency of symbiotic organisms in legumes and grasses, and phosphorous uptake capacity by crops.

(c) Use [of] conventional technology in conjunction with animal reproduction and animal health biotechnologies to accelerate animal breeding for specified needs, and rescue endangered native livestock for breeding purposes.

(d) [Provide adequate institutional infrastructure.] Develop methodologies for comparative evaluation and assessment of different technologies including biotechnology, for food production, and a system to assess the possible effects of biotechnologies on export crops in developing countries.

(e) Accelerate technology transfer and acquisition through international cooperation to support the activities of this programme area.

(f) Address issues related to germplasm resources, intellectual property rights, and [harmonize] the harmonization of bio-safety procedures.(as detailed in Programme area D - "Enhance Safety etc.").

(g) Capacity building. Provide adequate international scientific, technical and financial assistance and facilitate technical cooperation - especially for developing countries - to build up technical, managerial, planning, and administrative capacities at national level to support the activities in this programme area, with particular reference to assistance for local and indigenous communities in the conservation and sustainable use of the biological and genetic resources under their custodianship.

(h) Enabling mechanisms. Ways and means will need to be identified to ensure funding and technology transfer consistent with General Assembly resolution 44/228, with a view to fulfilling the objectives of the Conference, in particular those stipulated in Section I, paragraph 15, sections (j) and (k).

(i) Examine the possible withdrawal of subsidies and other possible uses of economic instruments to reflect the environmental costs associated with the unsustainable use of pesticides.

B. PROMOTE IMPROVED HUMAN HEALTH

Basis for Action

17. The protection and enhancement of human health is one of the most important objectives of development. The degradation of environmental quality, [for example, by], resulting from air and water pollution, soil contamination, toxic chemicals and hazardous wastes, and other sources is of increasing concern. There is also an increase in communicable and vector-borne diseases, compounded by malnutrition, inadequate human settlements, and lack of sanitation facilities. The health and well-being of people are therefore expected to be subjected to increasing risks. [which in turn affect the productivity and innovativeness of the individual.]

18. Improving human health care is a priority. This is one of the major areas [that] which has already benefited from biotechnology development[. There], but there is a need to accelerate and increase this development.

Objectives

14. [Foremost is the objective to] To promote the health of people of all ages, protecting them against both communicable and non-communicable diseases. The target is to achieve health for all by the year [2000]. [Most] The aim is therefore to complete most of the proposed activities [are expected to be completed] before the year [2000]. This is likely to require major development and strengthening of institutional mechanisms and supporting finance at national level, especially in developing countries. Safety procedures should be promoted as an integral component of the programme.

Activities

20. The possible activities include:

Universal immunization:

(a) Develop new and improved vaccines against major communicable diseases [that] which are efficient, safe, and protect the individual with the least number of doses. The [vaccine] vaccines should be stable at higher temperatures and preferably orally delivered. It should also be possible to combine and deliver a number of vaccines in a single dose for multiple disease protection [of the number] at birth.

(b) Control of disease vectors, such as mosquitoes, through the use of biological control agents, taking account of environmental protection considerations (NB. Programme area D).

Development and use of specific diagnostics:

(c) Develop and utilize new diagnostics based on monoclonal antibodies and DNA probes for the early, accurate solution of various diseases for enabling prompt treatment with care.

(d) [Facilitate] Develop the appropriate training, research and institutional capacities - especially within developing countries to enable the - use of diagnostics under unsophisticated conditions by semi-skilled personnel.

Development of new therapeutic and growth promoting agents:

(e) Develop and facilitate the use of hormones and its agonistics and antagonists (e.g. Insulin, Growth hormone).

(f) Develop agents that promote cell growth and modulate immunity systems (e.g. cytokinins, TNF, EGF).

(g) [Development of] Develop new [population] birth control agents using natural body mechanisms and biotechnology leading to safe, reversible, and long-lasting methods.

Development of new drugs based on molecular designing:

[(g)](h) Develop new [pesticides and other] chemicals designed through computer simulation and modelling using receptor-drug/receptor-pathogen interactions.

[(h)](i) Develop new drug delivery systems to deliver drugs to target sites and which are useful in the treatment of problematic diseases and organs (e.g. cancers, brain tissues).

(j) [Development of] Develop safe and effective methods of detection and treatment of genetically inherited and inborn diseases using DNA probes and gene therapy.

(k) Develop systems to assess the comparative advantages of different technologies for health care

(l) Capacity building. Provide adequate international scientific, technical and financial assistance and facilitate technical cooperation to developing countries to build up technical, managerial, planning and administrative capacities at national level to support the activities in this programme.

(m) Enabling mechanisms. Ways and means will need to be identified to ensure funding and technology transfer consistent with General Assembly resolution 44/228, with a view to fulfilling the objectives of the Conference, in particular those stipulated in Section I, paragraph 15, sections (j) and (k).

(n) Develop harmonized safety procedures based on Programme area D - ("Enhance safety etc.")

C. ENVIRONMENTAL PROTECTION

Basis for Action

21. Environmental protection is [a prerequisite for] an integral component of sustainable development. Various processes have therefore been, or are being developed, to improve environmental quality. [The expanding world population is generating, and will continue to generate, more wastes resulting from the use of more chemicals, more energy, and more agricultural and industrial products.] With the continued increase in the use of chemicals, energy and agricultural products and even with increasing efforts to prevent and avoid wastes and to promote recycling, the amount of wastes generated nevertheless appears likely to continue growing. There is a serious [A real] danger [lies in the short- and long-term effects on] to human health and biosphere in the short and long term from the [millions of tons] increasing large quantities of wastes and toxic chemicals produced daily [and scattered about the earth] which are disposed without adequate treatment.

22. In nature, there is a continuous recycling [and stabilization] of organic wastes and chemical substances. [As a result of population growth, the]. The amount and kind of wastes generated now in contact with the natural environment, including man-made chemicals in many cases, are beyond the capacity of the organisms involved naturally in waste recycling. The persistence, mobility, and toxicity of chemicals in natural environments need considerable attention.

23. The need for a [rich] diverse genetic pool of plant, animal, and microbial germ plasm for biotechnology to develop is well established. Biotechnology may play an important role in supporting rehabilitation of degraded ecosystems and landscapes through germ plasm conservation and development of varieties and careful consideration of the effects of organisms introduced into the degraded ecosystems on the remaining organisms and other organisms.

Objectives

24. This proposed programme aims to apply biotechnology to prevent, halt, and reverse environmental degradation, [as well as] to preserve environmental integrity; to prevent or avoid wastes during the production process, to promote recycling processes wherever possible; and to promote safety procedures as an integral component of the programme.

Activities

25. Taking account of the need to assess the effects on the environment and human health of the particular biotechnological application as defined in Programme area D, the [The proposed] activities proposed for this programme [call for the following] are:

Recycling and upgrading of organic wastes and biomass:

(a) Develop biotechnologies that can be used at the global level to provide energy, animal feed, and raw materials from organic wastes and biomass.

(b) Develop policies for reducing waste generation and increasing the use of biodegradable materials.

Development of cleaner and safer production technologies which prevent waste:

(c) Develop biotechnologies for substituting environmentally unsound chemical pesticides, herbicides and fertilizers with environmentally sound alternatives.

(d) [Use] Adopt the use of the integrated pest management approaches [that] which include bio-control agents.

(e) [Use] Adopt the use of bio-fertilizers within national fertilizer programmes.

(f) Improve the production processes and the economics of bio-control agents and bio-fertilizers.

(g) Develop a [supportive] framework of international agreements for training, research and development, [among others.], especially in developing countries, to support the activities outlined in this programme area.

(h) Develop policies for realizing the full potential of cleaner technologies and reduce reliance on chemical pesticides and fertilizers.

(h) bis Develop biotechnologies for substituting environmentally unsoumd industrial production processes with environmentally sound alternatives.

Pollution control:

(i) Develop biotechnologies for the removal of pollutants from the environment where conventional techniques become expensive and inefficient or [are non-existent] do not currently exist.

(j) Develop [policies] biotechnologies for waste management before disposal.

(k) Support research [to understand] into the behaviour of chemicals in natural environments to devise [means] biotechnologies to [bring about their destruction.] manage them more effectively.

[Development and use of germ plasm.]

[Land rehabilitation.]

[Application of biotechnology to forestry and other biomass.]

(l) Develop programmes for applying biotechnology to forestry and other biomass.

(m) Capacity building. Provide adequate international scientific, technical and financial assistance and facilitate technical cooperation - especially for developing countries - to build up technical, managerial, planning and administrative capacities at national level to support the activities in this programme.

(n) Enabling mechanisms. Ways and means will need to be identified to ensure funding and technology transfer consistent with General Assembly resolution 44/228, with a view to fulfilling the objectives of the Conference, in particular those stipulated in Section I, paragraph 15, sections (j) and (k).

(o) Develop harmonized safety procedures based on Programme area D - "Enhance safety, etc."

D. ENHANCE SAFETY AND DEVELOP INTERNATIONAL MECHANISMS FOR COOPERATION

Basis for Action

26. The community at large can only understand, accept and benefit fully from the potential of biotechnology if adequate and transparent safety procedures are [applied.] in place. There is a need for internationally acceptable and agreed safety procedures. For this purpose, action to be undertaken could build upon procedures for safety that are already developed nationally and internationally. There are several fundamental principles underlying many of these national and international safety procedures, as follows:

(a) Primary consideration of the organism, including genetically-modified organisms.

(b) Application of the step-by-step procedure.

(c) Complementary consideration of risk assessment and risk management.

(d) Classification into contained use or release to the environment.

(e) A framework for safety in biotechnology.

Objectives

27. [This proposed programme could, wherever possible, build on planned or existing activities to] To enhance safety in biotechnology development and application through international cooperation, with particular reference to social, health and environmental considerations, including the widest possible public participation.

Activities

28. The proposed activities for this programme call for international cooperation [which could be directed towards the following:] as follows. They should build upon planned or existing activities to accelerate the environmentally sound application of biotechnology, especially in developing countries, with particular reference to "International Cooperation on Safety in Biotechnology" as detailed in paragraphs 119-158 (inclusive) of A/CONF.151/PC/67, notably paragraphs 135-158 (inclusive) "Areas for further work."

Make the bio-safety procedures easily available and applicable to all countries:

(a) Make [widely available] the existing safety procedures widely available by collecting the existing material and adapting [this material] it to the specific needs of different countries and regions.

Further Develop and harmonize these safety procedures:

(b) Develop safety procedures to promote scientific development and categorization in the areas of risk assessment and risk management (information requirements, databases, procedures for assessing risks, establishment of safety conditions, monitoring and inspections).

(c) Harmonize safety procedures into a [set] framework of internationally [acceptable] agreed technical guidelines [for safety,] on safety in biotechnology as a basis for further development [possibly in the form of a Code of Conduct, taking into account decision 1/17 of the Preparatory Committee at its first session.]

Support direct assistance upon request:

(d) Establish a network of national and regional contact points, and an international coordination centre.

(e) [Give] Provide direct assistance upon request, [by] from the international coordination point, using information networks, databases and information procedures.

(f) Capacity building. Provide adequate international technical and financial assistance and facilitate technical cooperation to developing countries to build up technical, managerial, planning and administrative capacities at national level to support the activities in this programme.

(g) Enabling mechanisms. Ways and means will need to be identified to ensure funding and technology transfer consistent with General Assembly resolution 44/228, with a view to fulfilling the objectives of the Conference, in particular those stipulated in Section I, paragraph 15, sections (j) and (k).

E. ENABLING MECHANISMS FOR THE ENVIRONMENTALLY SOUND APPLICATION OF BIOTECHNOLOGY

Basis for Action

29. The environmentally sound and safe application of biotechnology has the potential for addressing many of the needs outlined in Programme areas A, B and C. These include standards of health care, levels of food security, the efficiency of industrial development processes and the purity of water supplies, as well as environmental problems such as [24. Inadequate] treatment and disposal of rural, urban, agricultural, and industrial wastes [are contaminating] which contaminate surface and ground water [as well as the soil] and soils, posing serious risks to human health and the environment. Injudicious use of chemical pesticides has led to the accumulation of toxic residues in the environment and many insects, pests, and other disease vectors are showing increasing resistance to pesticides.

[25. The environmentally sound and safe application of biotechnology has the potential to ameliorate many of these problems.] There is therefore a need to accelerate the development and application of biotechnologies, particularly in developing countries. This will require a major effort to build up institutional capacities at national and local levels, especially in terms of research and training, raising public awareness, the development of human resources and information facilities, matched by appropriate levels of financial support and backed by equivalent development and support for traditional methods and techniques as practised by local and indigenous communities

Objectives

[26.]30. The proposed programme incorporates the following targets and, wherever possible, could be built on existing or planned activities:

(a) To accelerate the environmentally sound and safe applications of biotechnologies, particularly [in] for developing countries, within the framework of safety outlined in Programme area D.

(b) By the year 1994 establish a Biotechnology Consortium or Corporation for Development, as a joint venture by developing countries, bilateral and multilateral agencies, and the private sector, to provide new mechanisms for developing countries to accelerate the development, acquisition, and adaptation of non-proprietary and proprietary technologies, drawing upon relevant ongoing activities.

Activities

[27.]31. The proposed activities for this programme may include:

(a) Undertake detailed pre-investment feasibility studies for a joint venture among prospective shareholders from developing countries, bilateral/multilateral agencies and private sector.

(b) Evaluate priority needs of developing countries.

(c) [Identify] Develop mechanisms for the transfer of environmentally safe and sound technologies [for transfer] with particular reference to the role of transnational corporations; intellectual property rights to protect the rights of farmers and breeders, with particular reference to native varieties and strains; and the question of compensation for opportunity costs foregone;.

(d) Identify financial and other benefits for [participating] partners in a possible consortium, including sharing of benefits.

(e) Develop mechanisms for effective cooperation between genetically rich developing countries and developed countries, with particular reference to the special role of local and indigenous communities as custodians of biological and genetic resources.

(f) Undertake research into the socio-economic costs and benefits - especially to developing countries - of individual biotechnology applications.

(g) Examine the need to establish mechanisms on the liability and compensation aspects of the unanticipated impacts of biotechnology applications.

(h) Capacity building. Mobilize appropriate levels of scientific and technical assistance and facilitate technical cooperation, especially to developing countries:

(i) To promote the development of endogenous research within the public and private sectors, especially on biotechnology applications in the country of origin of genetic material;

(ii) To promote the conservation of biological and genetic resources in developing countries, with particular reference to the skills and knowledge of local and indigenous communities;

(iii) To raise public awareness;

(iv) To enable the development of human resources including education and training of scientists and local communities in the environmentally sound management of new and traditional biotechnological methods and processes, including development of programmes in technical schools and universities, and information facilities;

(v) To undertake research into the linkages of biotechnology with the relevant aspects of biodiversity and other issues.

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CONFERENCE ON ENVIRONMENT AND DEVELOPMENT
Third session
Geneva, 12 August-4 September 1991
Working Group I
Agenda item 5

ENVIRONMENTALLY SOUND MANAGEMENT OF BIOTECHNOLOGY

Options for Agenda 21

Revised draft decision proposed by the Chairman

The Preparatory Committee,

Having regard to the report of the Secretary-General of the Conference on the Environmentally Sound Management of Biotechnology (A/CONF.151/PC/67) and on the Options for Agenda 21 (A/CONF.151/PC/42/Add.5),

1. Requests the Secretary-General of the Conference to transmit the Chairman's Summary and Proposals for Action (A/CONF.151/PC/WG.I/L.30), suitably represented as an amendment to A/CONF.151/PC/42/Add.5 to the Intergovernmental Negotiating Committee for a Convention on Biological Diversity;

2. Also requests the Secretary-General of the United Nations Conference on Environment and Development, without pre-empting or duplicating the work of the Intergovernmental Negotiating Committee, to follow the work of that Committee and to keep it informed of the interconnections between relevant aspects of biotechnology and other environment and development issues as they emerge from the UNCED process, in particular the elaboration in Agenda 21;

3. Requests the Secretary-General to take into consideration the views expressed at the third session of the Preparatory Committee and the proposals submitted by Governments in the elaboration of Agenda 21 on the Environmentally Sound Management of Biotechnology, for consideration at its fourth session, recalling the programme areas in paragraph 12 of A/CONF.151/PC/WG.I/L.30:

Programme A - Increase plant and animal productivity

Programme B - Promote improved human health

Programme C - Enhanced Environmental protection

Programme D - Enhance safety and develop international mechanisms for cooperation

Programme E - Enabling mechanisms for the environmentally sound application of biotechnology

as well as the proposal on the programme for the generation and transfer of biotechnologies and their sustainable use in the developing countries (A/CONF.151/PC/WG.I/L.26). Additional submissions by Governments should be made available to the secretariat not later than 7 October 1991;

4. Requests the Secretary-General to integrate in the proposals under paragraph 3 above, provisions for the means of implementation in accordance with the general decision of the Preparatory Committee on Agenda 21;

5. Agrees that the relationship between biotechnology and biological diversity will be considered in more detail at its fourth session;

6. Decides to revert to the issues covered by this session for final consideration at its fourth session.

DÉCHETS DANGEREUX

RÉSUMÉ

Les principaux points litigieux étaient ceux qui avaient fait l'objet de toutes les discussions de la troisième réunion du Comité préparatoire (PrepCom III) : la nécessité d'une détermination complète des ressources financières, technologiques, scientifiques et humaines nécessaires à la mise en oeuvre des activités proposées pour la gestion des déchets dangereux. Un point d'inquiétude complémentaire est la demande permanente de nombreux pays en voie de développement pour une interdiction de tout mouvement transfrontière de déchets dangereux. Ces questions n'ont pas été réglées lors de PrepCom II et resteront à l'ordre du jour de PrepCom IV.

La nécessité de garder l'option du recyclage ouverte est reconnue dans l'ébauche des documents révisée d'Agenda 21 (le Plan d'action pour le XXI[e] siècle). L'importance de la Convention de Bâle est aussi reflétée ainsi que les ententes régionales telles que la Convention de Bamako.

Documentation

A/CONF.151/PC/75	-	*Background Document* (Document d'information)
A/CONF.151/PC/WG.II/L.21/Rev.1	-	*Decision Document on all Wastes/Toxics issues* (Document relatif à la décision finale au sujet de toutes les questions de déchets/produits toxiques
Annexe I à L.21/Rev.1	-	*Revised Draft Options for Agenda 21* (Ébauche révisée des options pour Agenda 21)

DISCUSSION DU PREPCOM

Voici les principaux objectifs canadiens :

- Appuyer la ratification de la Convention de Bâle sur le contrôle du mouvement transfrontières et l'élimination des déchets dangereux;

- Appuyer la promotion de stratégies de gestion des déchets dangereux pour promouvoir l'application de la hiérarchie du principe des 4R (réduire, réutiliser, recycler, récupérer) et veiller à ce que les stratégies résultantes ne compromettent pas les intérêts économiques et commerciaux du Canada tout en s'assurant que ni la santé humaine ni l'environnement ne soient menacés;

- Promouvoir l'élaboration de normes et de critères acceptables à l'échelon international pour la gestion des déchets dangereux, en particulier, la distinction entre les déchets dangereux à éliminer et les déchets dangereux recyclables;

- Reconnaître à la fois les avantages environnementaux et économiques du recyclage (par exemple conservation de l'énergie, opportunités commerciales); et s'assurer que tout contrôle proposé n'entrave pas les initiatives en matière de recyclage et le commerce international des produits dangereux recyclables;

- Promouvoir des méthodes réglementaires et fondées sur le marché pour la gestion écologiquement rationnelle des déchets dangereux.

Le mouvement transfrontière des déchets dangereux constitue encore une préoccupation importante des pays en voie de développement dont beaucoup demandent l'interdiction des transports transfrontières (Nigéria, Ouganda). Certains pays ont fait appel à une résolution particulière de la CNUED à ce sujet. Bien qu'il y ait eu moins de discussion au sujet de la Convention de Bamako à PrepCom III, plusieurs pays africains ont cité Bamako comme preuve de la nécessité d'assurer le contrôle du mouvement transfrontière des déchets dangereux. La convention de Bâle a été citée dans toutes les interventions, la plupart demandant instamment que les gouvernements la signent et la ratifient.

Plusieurs pays en voie de développement (Chine, Brésil, Malaisie) ont demandé que l'on fasse une plus grande différenciation entre les responsabilités des pays en voie de développement et celles des pays industrialisés pour ce qui est de la production et du traitement des déchets dangereux.

La plupart des délégations ont fait remarquer l'importance de la prochaine réunion du programme des Nations Unies pour l'environnement (PNUE) d'experts désignés par les gouvernements pour étudier les éléments préliminaires d'une stratégie internationale et d'un programme d'action, comprenant des directives techniques, pour une gestion écologiquement rationnelle des déchets dangereux (décision 16/30 de la 16^{e} séance du Conseil gouverneur de la PNUE). Plusieurs délégations ont fait remarquer que cette réunion doit produire des résultats importants pour Agenda 21.

Le représentant de la PNUE a déclaré que les documents en préparation actuellement pour la réunion tiendront compte des résultats de PrepCom III. Les résultats de la réunion de ces spécialistes seront communiqués iront à PrepCom IV. Ni date ni lieu n'ont été fixés pour la réunion; la PNUE envisage la réunion pour fin novembre/début décembre.

Commentaires au sujet des documents d'Agenda 21

Dans la plupart de leurs interventions, les délégués ont parlé favorablement du document d'ébauche d'Agenda 21; cependant, la Malaisie l'a critiqué comme étant trop superficiel.

Étant donné l'importance de cette question, certaines délégations ont demandé que plus d'imp/ortance soit accordée à la question des mouvements transfrontières des déchets dangereux en en faisant un secteur de programme dans Agenda 21 -- c'est-à-dire qu'il ne soit pas limité à la surveillance mais qu'il comprenne tous les aspects de gestion (par contre, d'autres, comme on l'a remarqué plus tôt, ont demandé une interdiction totale).

Plusieurs pays africains ont demandé qu'une nouvel objectif global soit ajouté pour tenir compte de la convention de Bamako.

Certains pays désiraient qu'on ajoute des calendriers aux objectifs, conformément aux ébauches des documents d'Agenda 21 relatives à d'autres questions; les États-Unis étaient opposés à l'établissement d'objectifs précis en premier lieu, en déclarant qu'ils ne disposent pas de moyens dans leur propre pays pour appliquer ces limites et qu'il n'y a pas de façon réaliste de mesurer un grand nombre des activités censément visées.

Technologie : De nombreuses délégations (Bénin, Burkina Fasso, Maroc) ont demandé que l'on accorde plus d'importance aux technologies propres et à leur transfert aux pays en voie de développement. La Chine a fait remarquer que de nombreux pays en voie de développement sont forcés, à cause d'impératifs financiers, d'importer de l'outillage ou de l'équipement qui produit des déchets dangereux. L'un d'eux a déclaré que les pays industrialisés doivent consacrer plus d'efforts à arrêter l'exploitation non seulement de déchets dangereux mais aussi de technologies qui produisent ces déchets. La Mauritanie voulait que la prohibition des technologies produisant des déchets soit un objectif d'Agenda 21.

Institutions : Certaines délégations ont demandé que l'activité de renforcement des capacités institutionnelles soit plus complètement développée, en nommant des institutions précises (le Bénin, la Finlande). À moins d'identifier un organisme particulier, personne ne voudra prendre la responsabilité et le travail ne sera pas fait.

Les Pays-Bas (parlant au nom de la Communauté européenne) ont déconseillé aux autres délégués de réinventer la roue institutionnelle, en faisant remarquer qu'un grand nombre des activités sont déjà abordées dans les travaux de la PNUE, de l'OCDE et d'autres organismes.

Promotion de l'instruction, de la formation et de la sensibilisation du public : plusieurs délégations ont appuyé cette activité. Toutefois, le Bénin a demandé pourquoi on a proposé uniquement des groupes d'organismes non gouvernementaux et de femmes pour les campagnes de sensibilisation des pays en voie de développement; tous les secteurs devraient participer. La Malaisie a dit que l'aide aux organismes non gouvernementaux pour leur programme d'instruction doit être mieux mise en vue dans Agenda 21.

Industrie : Le Bénin s'inquiétait de l'absence de propositions pour transformer ou fermer les usines à risques élevés qui produisent des matières dangereuses. Certaines délégations ont déclaré qu'il faut accorder plus d'importance au rôle de l'industrie, y compris la nécessité pour l'industrie d'assumer la responsabilité au niveau de son conseil d'administration. Ce document doit aussi refléter le rôle des petites et moyennes industries. Le Centre des Nations Unies pour l'information et la recherche relatives aux sociétés transnationales a signalé les résultats d'un sondage type entrepris à la demande du Conseil économique et social des Nations Unies. Suite à la question demandant quel était le problème environnemental le plus important que l'industrie doit s'occuper, on a déterminé que les déchets dangereux venaient en deuxième lieu après le changement climatique.

Remise en état des emplacements de déchets : Plusieurs délégations (Bénin, Jamaïque, Philippines) ont trouvé le document n'accorde pas assez d'attention à cet aspect d la question. La délégation jamaïcaine a déclaré que le concept de gestion de la naissance à la tombe était vital mais que l'enfouissement cause des problèmes aussi.

Fonds permanent : La suggestion d'étudier la possibilité d'établir un fonds permanent pour renforcer la capacité (paragraphe 31) n'a pas été endossée par les délégations des pays en voie de développement; la délégation des États-Unis s'y est opposée.

Pendant les deuxième et troisième semaines, on a travaillé à la révision du document (PC/42/Add.9) d'Agenda 21, d'abord dans le cadre d'un petit groupe de rédaction volontaire et ensuite dans le cadre de consultations informelles du groupe de travail au complet, en reflétant les points discutés précédemment. Le libellé n'a pas été entièrement approuvé, soit à cause des révisions proposées qui n'avaient pu être discutées, soit parce qu'il y avait des points de vue divergents restant entre parenthèses pour considération par PrepCom IV.

Le principal sujet d'inquiétude qui était commun à l'examen de toutes les questions : les pays en voie de développement insistaient qu'à moins que des ressources

financières, un transfert de technologies et d'autres moyens de mise en oeuvre soient systématiquement exposées dans chaque secteur de programme, ils ne pouvaient pas approuver le programme en tant qu'un tout. Un libellé uniformisé, indiquant que ces aspects seront étudiés lors de PrepCom IV, a été introduit entre parenthèses dans le document.

Un deuxième sujet de préoccupation du Canada était la proposition, dont l'ébauche avait été établie par le président, d'inclure un nouvel objectif dans le renforcement de la coopération internationale (secteur E du programme), «pour adopter une interdiction d'exportation des déchets dangereux dans les pays qui ont la capacité de traiter ces déchets d'une façon écologiquement rationnelle». Une activité correspondante proposée consistait à «modifier la Convention de Bâle en vue d'adopter une interdiction de l'exportation des matières dangereuses...» dans ces pays.

La Malaisie a proposé un autre énoncé : «promouvoir volontairement ainsi qu'obligatoirement la prohibition de l'exportation de déchets dangereux dans les pays en voie de développement et dans les pays qui ne peuvent ni traiter ni éliminer les déchets conformément aux mêmes exigences strictes comme dans le pays d'origine». Le texte de la Malaisie a remplacé l'ébauche du président après des négociations; les États-Unis et la CE, entre autres, l'ont préféré parce qu'il n'utilise pas l'expression rébarbative «interdiction» et comprend le mot magique «volontaire». Toutefois, faute de temps il y a eu une entente tacite pour ne pas tenter une négociation sérieuse au sujet de cette question délicate. Le texte reste entre parenthèses et est reporté à la réunion de PrepCom IV pour solution.

Pendant les consultations informelles du groupe de travail au complet, la plupart du temps a été consacré à négocier le libellé relatif aux objectifs. La délégation américaine, citant sa législation nationale, ne pouvait accepter l'énoncé qui sous-entendait que les pays devaient établir des objectifs et a proposé un libellé de rechange moins rigide. Ceci a enytraîné de longues discussions sur le fait de savoir si les chapitres d'Agenda 21 décrivaient des objectifs, des activités ou des politiques.

lors de la dernière soirée du PrepCom III, à la plénière finale d'approbation des documents relatifs à une décision finale, l'Inde réouvert un débat qui s'était étendu tout au long de la considération de la question des déchets dangereux par le Groupe de travail au sujet de prévenir et réduire plutôt que de gérer les déchets dangereux. Elle insistait pour que la prévention et la réduction maximale soient incluses dans le paragraphe qui fait mention de la réunion des spécialistes de la PNUE au sujet d'une stratégie internationale, malgré qu'on lui expliquait que la CNUED ne pouvait modifier arbitrairement le libellé de la décision du Conseil gouverneur de la PNUE cité dans ce paragraphe. Finalement, prévention et réduction maximale ont été citées dans le paragraphe faisant renvoi aux options d'Agenda 21.

RÉSULTATS ET ÉVALUATION

Comme pour la plupart des questions sectorielles débattues par PrepCom III, le résultat est un document révisé d'Agenda 21 qui contient de nombreuses parties entre parenthèses et qui laisse pour le futur la solution de la plupart des questions délicates. Mises à part les questions communes à tous les points du programme, notamment les ressources technologiques et financières, le point le plus litigieux est la question d'une interdiction du mouvement transfrontière de matières dangereuses. De toute évidence, les pays en voie de développement continueront de pousser cette question et il est tout aussi évident que de nombreux pays industrialisés continueront à y résister. Pour l'instant, l'énoncé est entre parenthèses, mais il devra être traité à réunion du PrepCom IV.

Bien que le recyclage ne figure pas de façon évidente dans le texte révisé, l'importance de l'option recyclage est reflétée de façon appropriée. Étant donné que cette question est liée à celle du mouvement transfrontière, elle devra être surveillée de très près non seulement lors de PrepCom IV, mais aussi à toutes les autres réunions qui la précèderont.

Le Canada doit aussi examiner de très près le texte révisé traitant des objectifs de chaque secteur du programme afin de déterminer si les propositions actuelles présentent un inconvénient quelconque.

A/CONF.151/PC/WG.II/L.21/Rev.1
4 September 1991
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PREPARATORY COMMITTEE FOR THE UNITED NATIONS
CONFERENCE ON ENVIRONMENT AND DEVELOPMENT
Third session
Geneva, 12 August-4 September 1991
Working Group II
Agenda item 4

ENVIRONMENTALLY SOUND MANAGEMENT OF WASTES, PARTICULARLY HAZARDOUS WASTES, AND OF TOXIC CHEMICALS, AS WELL AS PREVENTION OF ILLEGAL INTERNATIONAL TRAFFIC IN TOXIC AND DANGEROUS PRODUCTS AND WASTES

Revised draft decision submitted by the Chairman

The Preparatory Committee,

1. Welcomes the reports of the Secretary-General of the Conference on Environmentally Sound Management of Wastes, particularly Hazardous Wastes and of Toxic Chemicals, as well as Prevention of Illegal International Traffic in Toxic and Dangerous Products and Wastes concerning the background documents (A/CONF.151/PC/74, A/CONF.151/PC/75, A/CONF.151/PC/76, A/CONF.151/PC/88) and the Options for Agenda 21 (A/CONF.151/PC/42/Add.8-10);

2. Requests the Secretary-General of the Conference to submit at its fourth session, the annex to this decision as contained in documents A/CONF.151/PC/WG.II/L.19 and Add.1-3, as revised, during the informal consultations at the third session;

3. Requests the Secretary-General of the Conference to submit to the Preparatory Committee at its fourth session for its consideration revised options for Agenda 21 indicating the origins of proposals, when they reflect the results of expert meetings, taking into account:

(a) The debate and the relevant decisions taken at this session including on the format of Agenda 21 and means of implementation as contained in document A/CONF.151/PC/L.49.

including for prevention, minimisation + management of hazardous wastes

(b) The results of the UNEP ad hoc meeting of government-designated experts to consider the draft elements for a possible international strategy and action programme, including technical guidelines for environmentally sound management of hazardous wastes, planned to be held before the end of 1991.

(c) The results of the ad hoc meeting of government-designated experts to be convened by UNEP in association with the IPCS which will consider proposals for an intergovernmental mechanism for risk assessment and management of chemicals and which is to be held in London by mid-December 1991.

ANNEX I

[ENVIRONMENTALLY SOUND MANAGEMENT OF HAZARDOUS WASTE: OPTIONS FOR AGENDA 21

OPTIONS FOR AGENDA 21

OVERALL OBJECTIVE

4. Within the framework of integrated life cycle management prevent to the extent possible and minimize the generation of hazardous wastes, as well as treat the wastes in a way that they do not cause harm to the environment.

OVERALL TARGETS

(a) Prevention or minimization of the generation of hazardous wastes, elimination or reduction of the transboundary movements of hazardous wastes to a minimum consistent with the environmentally sound and efficient management of those wastes, and self-sufficiency in waste disposal in the country of origin to the extent environmentally sound and efficient.

(b) Ratification of the Basel Convention and the expeditious elaboration of related protocols, [especially] the Protocol on liability and compensation, mechanisms and guidelines to facilitate the implementation of the Convention.

(c) Ratification and full implementation by the countries concerned of the Bamako Convention and the expeditious elaboration of a protocol on liability and compensation.

(d) [Full respect of the aims of the Bamako Convention by all countries.]

PROPOSED PROGRAMME AREAS

5. The following major programmes are proposed as options:

(a) Promote waste prevention and minimization through "cleaner production" methods avoiding the use of hazardous substances where substitutes are available, through resource recovery, recycling, reclamation, direct re-use or alternative uses of wastes.

(b) Enhance knowledge and information on economics of prevention and management of hazardous wastes.

(c) Increase knowledge about health and environmental impacts of hazardous wastes

(d) Promote and strengthen institutional capacities in prevention, minimization and management of hazardous wastes.

(e) Promote and strengthen international co-operation in management of transboundary movements of hazardous wastes, including control and monitoring, consistent with international and regional legal instruments.

A. PROMOTE WASTE PREVENTION AND MINIMIZATION THROUGH "CLEANER PRODUCTION" METHODS AVOIDING THE USE OF HAZARDOUS SUBSTANCES WHERE SUBSTITUTES ARE AVAILABLE THROUGH RESOURCE RECOVERY, RECYCLING, RECLAMATION, DIRECT REUSE OR ALTERNATIVE USES OF WASTES.

Basis for action

6. Human health and environmental quality are being continually degraded by the increasing amount of waste being produced. One of the first priorities in waste management therefore is minimization as part of a broader approach, including pollution prevention and cleaner production strategies, industrial processes and consumer patterns.

7. Among the most important factors in these strategies is the recovery of wastes into useful material. Technology application, modification and development of new low waste technologies is therefore currently a central focus of waste minimization.

Objectives

8. The objectives of this programme are to:

(a) reduce to the extent feasible the generation of hazardous wastes; and,

(b) Where practicable and environmentally sound utilize residues emanating from the production process optimizing use of raw materials.

9. To achieve the objectives, countries which can afford to adopt the requisite technologies without detriment to their development could establish policies including:

(a) Integration of cleaner production approach and waste minimization in all planning, and adoption of specific targets by a target year.

(b) To promote the use of regulatory and market mechanisms.

(c) Establish an intermediate target for the stabilization of the quantity of hazardous waste generated;

(d) Establish longer terms targets for reducing the amount of hazardous waste produced per unit of manufacture;

(e) [Establish targets for countries producing banned or severely restricted chemicals (which are potentially hazardous wastes) to phase out such products and intensify R & D for alternatives];

(f) To achieve, on a substance by substance basis, a qualitative improvement of waste streams, mainly through activities aimed to reduce hazardous substances in waste streams.

Activities

10. Promote information collection and dissemination

(a) Governments*, assisted by international organizations, could establish mechanisms for assessing the value of existing information systems.

(b) Governments could establish nationwide and regional information collection and dissemination clearinghouses and networks which are easy to access and use for Government institutions and industry.

(c) International organizations, especially through the UNEP Cleaner Production Programme and the ICPIC system, could extend and strengthen existing systems for collection of cleaner production information.

(d) Promote the use and dissemination by all UN agencies of information collected through the Cleaner Production network.

(d) [Strengthen international cooperation in monitoring the transfer to other countries of industries generating toxic and hazardous wastes].

(e) Cooperate in monitoring the effects of the management of hazardous wastes.

* ("Governments" also refers to the European Community acting in the sphere of its competence)

11. Technology development and research

(a) Governments, according to their possibilities and with the help of multilateral cooperation, academia and industry, could significantly increase financial support for "cleaner technology R&D programmes", including the use of biotechnologies.

(b) Industry, with assistance from National Governments and international organizations, could promote research into the phase-out of hazardous processes and the reduction of raw materials and energy consumption.

(c) Industry could develop schemes to integrate the cleaner production approach into the design of products and their management practices.

12. Development of management tools and practices

(a) Governments could modify existing standards or specifications for purchases to encourage energy and raw materials savings and to avoid discrimination against recycled materials.

(b) Governments, according to their possibilities and with the help of multilateral cooperation, could provide economic or regulatory incentives to stimulate industrial innovation towards cleaner production methods, to encourage industry to invest in such recycling technologies so as to ensure equal standards of environmental management to apply to recyclable wastes as well as to other types of wastes, and to encourage waste minimization investments.

(c) [Developed country Governments should provide a range of incentives to encourage industry to transfer technologies and know-how to developing countries on preferential and non-commercial terms. Industry could develop guidelines and codes of conducts leading to cleaner production through sectoral trade industry associations.]

(d) Governments, according to their possibilities and with the help of multilateral cooperation, should encourage, as far as possible, industry to treat and dispose of wastes at source, where waste generation is unavoidable.

(e) Governments according to their possibilities and with the help of multilateral cooperation should encourage as far as possible combined treatment/disposal facilities for small and medium size industries.

(f) Governments should promote identification and clean-up of sites of hazardous wastes; in collaboration with industry and international organizations technologies, expertise and financing should be available for this purpose, as far as possible with

the application of the polluter pays principle.

(g) Governments should encourage technology assessments e.g. through the use of technology assessment centres.

(h) [Governments according to their possibilities and with the help of multilateral cooperation should encourage industry to dispose of any such banned or severely restricted chemicals that are still in stock [or in use] [but not in use], as soon as possible, in an environmentally sound manner.]

13. Promotion of Education, training and public awareness

(a) Governments could increase support for industrial training programmes, incorporating waste prevention and minimization techniques and launching of demonstration projects at the local level to develop 'success stories' in cleaner production.

(b) Industry could integrate cleaner production principles and case examples into training programmes and establish demonstration projects/networks by sector/country.

(c) All sectors of society could develop cleaner production awareness campaigns and promote dialogue and partnership with industry and other actors.

14. Strengthening of institutional capacities including policies and planning

(a) Governments in developing countries in cooperation with industry and with the cooperation of appropriate international organizations, should develop inventories of hazardous waste production, in order to identify their needs of technology transfer and implementation for sound management of wastes and its disposal.

(b) Governments could include into national planning and legislation an integrated approach to environmental protection, driven by prevention and source reduction criteria, based on the polluter pays principle, [and adopt waste reduction targets].

(c) Governments could work with industry on sector-by-sector waste minimization campaigns, including quantified targets for raw material and energy use, as well as the reduction of wastes and other emissions.

(d) Strengthen national environmental impact assessment procedures to take into account the concept of "cradle to grave" approach for the management of hazardous wastes, to identify options for minimizing the generation of hazardous wastes, through safer, handling storage, disposal and destruction.

(e) Governments in collaboration with industry and appropriate international organizations could develop procedures for the monitoring of the application of the "cradle to grave" approach, including environmental audits.

(f) [Bilateral and multilateral development assistance agencies could substantially increase funding for cleaner technology transfer to developing countries and economies in transition, including small and medium size enterprises.]

[The implementation by developing countries of specific programmes and actions envisaged under Agenda 21, will be subject to the provision of adequate new and additional financial resources and of technology on concessional, preferential and non-commercial terms.

Proposals for means of implementation will include the following heading:

- Financing and cost evaluation
- Scientific and technological means
- Human resources development
- Building capacity of developing countries for preventive and corrective action in the field of environmental protection and promotion of development]

B. ENHANCE KNOWLEDGE AND INFORMATION OF ECONOMICS OF PREVENTION AND MANAGEMENT OF HAZARDOUS WASTE

Basis for action

15. Due to the increasing amounts of hazardous wastes generated every year, there are increasing direct and indirect costs to the society and to the individual citizens in connection with its generation, handling and disposal. To improve knowledge of the economics, including impact on employment and environmental benefits of hazardous waste management, it is therefore crucial that necessary capital investment be made available in development programmes.

Objectives

16. Facilitate the establishment of cost effective policies and approaches to hazardous waste prevention and management taking into consideration the state of development of each country.

Activities

17. Develop and implement a programme aiming at increasing knowledge and information on the economics of waste prevention and management.

18. A relevant and competent international organization could take the lead, in co-operation with others organizations, in inter alia:

(a) Developing guidelines for estimating the costs and benefits for various approaches to the adoption of cleaner production and waste minimization and environmentally sound management of wastes.

(b) Undertaking a comprehensive survey of and disseminate information on, experiences at national level in adopting economic regulatory schemes and incentive mechanisms for waste management and for the use of clean technologies, which prevent wastes from being generated.

[The implementation by developing countries of specific programmes and actions envisaged under Agenda 21 will be subject to the provision of adequate new and additional financial resources and of technology on concessional, preferential and non-commercial terms.

Proposals for means of implementation will include the following heading:

- Financing and cost evaluation
- Scientific and technological means
- Human resources development
- Building capacity of developing countries for preventive and corrective action in the field of environmental protection and promotion of development]

C. INCREASE KNOWLEDGE ABOUT HEALTH AND ENVIRONMENTAL IMPACTS OF HAZARDOUS WASTES

Basis for action

19. Toxic substances have entered the environment endangering human health and threatening ecosystems, due to careless storage, handling and disposal of hazardous wastes. To address these problems, there is a need for increased knowledge on environmental contamination and pollution, the associated health risks from exposures of populations, especially women and children and ecosystems, to hazardous waste, the assessment of risks and the characteristics of wastes.

Objectives

20. The objectives are to:

(a) facilitate the assessment of impacts and risks of hazardous wastes on human health and the environment by establishing appropriate procedures, methodologies, criteria and/or effluent guidelines and standards.

(b) improve the knowledge regarding effects of hazardous wastes on health and the environment; and,

(c) make information available to governments and to the general public on the effects of hazardous waste on health and the environment.

Activities

21. Development of technologies for prevention, minimization and handling of hazardous wastes

(a) International organizations could identify relevant and improved technologies for handling, storage, treatment and disposal of hazardous wastes.

(b) International organizations could develop improved health-based criteria upon which regulations and standards can be established, taking into account national decision-making processes, and assist in the preparation of practical technical guidelines for prevention, minimization and safe handling and disposal of hazardous wastes.

22. Development of management tools and practices

(a) Governments could establish and maintain inventories including computerized inventories of hazardous wastes and their treatment/disposal sites and assess the risk to the environment as well as identify measures which are needed to clean up the disposal sites.

(b) Governments and international organizations could collaborate in developing easy to implement methods and guidelines for characterization and classification of hazardous wastes.

23. Information exchange and dissemination

Governments, international, including regional organizations, could facilitate and expand the dissemination of technical and scientific information dealing with the various health aspects of hazardous wastes, and to promote its application.

24. Promotion of education and training

(a) Governments and international organizations could collaborate in developing and disseminating educational materials concerning waste and their effects on environment and health, for use in schools and by the general public.

(b) Governments could establish or strengthen programmes for environmentally sound management of hazardous wastes in accordance with health and environmental standards and extend surveillance systems to identify adverse effects on populations and the environment of exposure to hazardous wastes;

(c) International organizations could provide assistance to Member States for assessing the health and environmental risks, resulting from exposure to hazardous wastes and in identifying their priorities for controlling the various categories or classes of wastes;

(d) Governments could promote centres of excellence for training in waste management, building on appropriate national institutions and encouraging international cooperation including through institutional links between developed and developing countries.

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[The implementation by developing countries of specific programmes and actions envisaged under Agenda 21 will be subject to the provision of adequate new and additional financial resources and of technology on concessional, preferential and non-commercial terms.

Proposals for means of implementation will include the following heading:

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- Building capacity of developing countries for preventive and corrective action in the field of environmental protection and promotion of development]

D PROMOTE AND STRENGTHEN INSTITUTIONAL CAPACITIES IN HAZARDOUS WASTE MANAGEMENT

Basis for action

25. Many countries lack the national capacity to handle and manage hazardous waste. This is primarily due to inadequate infrastructure, deficiencies in regulatory frameworks, insufficient training and education programmes and lack of co-ordination between the different ministries and

institutions involved in various aspects of waste management. To ensure environmentally sound management of hazardous wastes, one of the main priorities is to provide awareness, education and training programme to cover all levels of the society. In addition there is a need to undertake research programmes to understand the nature of hazardous materials, to identify their potential environmental effects and to develop technologies to safely handle these materials. Finally there is a need to strengthen the capacities of institutions which are responsible for the management of hazardous materials.

Objectives

26. Adoption of appropriate coordinating, legislative and regulatory measures at the national level supporting the environmentally sound management of hazardous waste including for the implementation of international conventions.

26. Public awareness and information programmes on hazardous waste issues and basic education and training programmes provided for industry and government workers in all countries.

28. Comprehensive research programmes on hazardous materials to be established in countries.

29. Strengthened service industries for handling hazardous materials and strengthened international networking.

30. Endogenous capacities to be established in all developing countries to train and educate staff at all levels in hazardous waste handling, monitoring and environmentally sound management.

Activities

31. Strengthening of research

(a) International organizations [and donors] could increase support for hazardous waste research management in developing countries.

(b) Governments, in collaboration with international organizations, could conduct research on the health effects of hazardous wastes in developing countries conditions, including the long term effects on children and women.

(c) Governments could conduct research aimed at the needs of small and medium sized industries.

(d) Industry, governments and international organizations could expand technological research on hazardous wastes handling, storage, transport, treatment and disposal and hazardous wastes assessment and management.

32. Strengthening of institutional capacities and infrastructures

(a) Multinational companies (MNC) and other large scale enterprises should introduce policies and commitment to adopt equivalent or not less stringent standards of operation with reference to waste generation and disposal, while governments are invited to make efforts to establish regulations, which require such standards.

(b) Governments, international organizations and industries could as appropriate:

(i) Support national institutions for dealing with hazardous wastes from the regulatory monitoring and enforcement perspectives, including enabling them to implement international conventions.

(ii) Develop industry-based institutions for dealing with hazardous wastes and service industries for handling hazardous wastes.

(iii) Adopt technical guidelines for the environmentally sound management of hazardous wastes and support implementation of regional and international conventions.

(iv) Develop and expand international networking, between professionals working in the hazardous wastes area and maintain an information flow among countries.

(v) Assess the feasibility of establishing and operating national, sub-regional and regional hazardous waste treatmentcentres. Such centres could also be used for education and trainingas well as to facilitate and promote the transfer of technologies for the environmentally sound management of hazardous wastes.

(vi) Develop a programme for the establishment of national capacities to train and educate staff at various levels in hazardous waste management.

(vii) Study the feasibility [in the context of the Basel Convention and of relevant regional conventions] of providing financial assistance on an interim basis, in case of an emergency situation, in minimizing damage from accidents arising from transboundary movements of hazardous wastes or during the disposal of these wastes.

(viii) Conduct environmental audits of existing industries to improve in plant hazardous wastes management regimes.

33. Promotion of Education, training and public awareness

Governments, international organizations and industry could:

(a) Increase public awareness and information on hazardous waste issues and promote the development and dissemination of public information on hazardous waste that is understandable to the general public.

(b) Increase participation in hazardous waste management projects of the general public, including grass root levels.

(c) Develop training and education programmes for men and women in industry and government aimed at specific real-life problems, for example, planning and implementing waste minimization programmes, conducting hazardous materials audits or establishing appropriate regulatory programmes.

(d) — Promote the transfer to developing countries of technologies on hazardous waste minimizing and handling, through training for labour, industrial management, and government regulatory staff.

[The implementation by developing countries of specific programmes and actions envisaged under Agenda 21, will be subject to the provision of adequate new and additional financial resources and of technology on concessional, preferential and non-commercial terms.

Proposals for means of implementation will include the following heading:

- Financing and cost evaluation
- Scientific and technological means
- Human resources development
- Building capacity of developing countries for preventive and corrective action in the field of environmental protection and promotion of development]

E. PROMOTE AND STRENGTHEN INTERNATIONAL CO-OPERATION IN MANAGEMENT OF TRANSBOUNDARY MOVEMENTS OF HAZARDOUS WASTES, INCLUDING CONTROL AND MONITORING, CONSISTENT WITH INTERNATIONAL AND REGIONAL LEGAL INSTRUMENTS

Basis for action

34. In order to promote and strengthen international cooperation in the management, including control and monitoring of transboundary movements of hazardous wastes, there is a need for harmonization of procedures and criteria used in various international and legal instruments. In this connection there is also a need to develop or harmonize existing criteria for identification of hazardous wastes, dangerous to the environment, and building monitoring capacities.

Objectives

35. The objectives are:

(a) To facilitate and strengthen international cooperation in the environmentally sound management, including monitoring, of transboundary movements of hazardous wastes, by having internationally adopted criteria for identification and classification of hazardous wastes, for the harmonization of relevant international legal instruments.

(b) To [adopt a ban on] [prohibit/not permit] the export of hazardous wastes to countries, that do not have the capacity to deal with those wastes in an environmentally sound way.

Activities

36. Strengthening and harmonization of criteria and regulations

Governments and international organizations could co-operate as appropriate to:

(a) Incorporate the notification procedure called for in the Basel Convention and other relevant regional conventions as well as their annexes into national legislation.

(b) Formulate [international and where appropriate] regional agreements regulating transboundary movements of hazardous wastes, such as the Bamako Convention.

(c) [Help promote the complementarity of such regional agreements with international conventions and protocols.]

(d) Strengthen national and regional capacities and capabilities to monitor and control transboundary movement of hazardous wastes.

(e) Set up monitoring and surveillance systems including at the national and

regional levels, for the transboundary movements of hazardous wastes.

(f) Develop guidelines for the identification of hazardous wastes at the national level, taking into account internationally, including regionally agreed criteria and prepare a list of hazard profiles for the hazardous wastes listed in the national legislation.

(g) Develop and use appropriate methods for testing, characterizing and classifying the hazardous wastes and adopt or adapt safety standards and principles for managing hazardous wastes in an environmentally sound way.

37. Adoption of normative measures

Governments and international organizations could collaborate to:

(a) Elaborate or adapt policies for the environmentally sound management of hazardous wastes [in conformity with] [keeping in mind provisions of] existing international instruments.

(b) To make recommendations to the appropriate fora or to set up or adapt norms, including the equitable implementation of the polluter pays principle, and regulatory measures to comply with the obligations and principles of the Basel Convention, the Bamako Convention or other future regional and international agreements including protocols, as appropriate, for setting out appropriate rules and procedures in the field of liability and compensation for damage, resulting from the transboundary movement and disposal of hazardous wastes and other wastes, [as well as mandatory insurance to cover this.]

(c) [To promote voluntary as well as mandatory prohibition of export of hazardous wastes to developing countries, and to countries that cannot treat and dispose of the wastes to the same stringent requirements as in the country of origin].

(d) [To urge governments to introduce legislation to severely punish persons engaged in illegal waste trade and illegal traffic].

38. Implementation of existing agreements

Governments are urged to ratify the Basel and Bamako Conventions and to pursue the expeditious elaboration of protocols on liability and compensation and of mechanisms and guidelines to facilitate the implementation of the conventions.

39. Promotion of information and public awareness

[To promote and assist intergovernmental and non-governmental organizations in establishing and enhancing information networks on transboundary toxic and hazardous waste trade and illegal traffic.]

[The implementation by developing countries of specific programmes and actions envisaged under Agenda 21, will be subject to the provision of adequate new and additional financial resources and of technology on concessional, preferential and non-commercial terms.

Proposals for means of implementation will include the following heading:

- Financing and cost evaluation
- Scientific and technological means
- Human resources development
- Building capacity of developing countries for preventive and corrective action in the field of environmental protection and promotion of development]

GESTION ÉCOLOGIQUEMENT RATIONNELLE DES DÉCHETS SOLIDES ET QUESTIONS CONNEXES LIÉES AUX EAUX USÉES

RÉSUMÉ

Généralement parlant, les discussions et les négociations à ce sujet n'étaient pas litigieuses et reflétaient un équilibre raisonnable des intérêts entre les pays en voie de développement et les pays industrialisés. Les pays en voie de développement ont insisté sur leurs inquiétudes concernant les répercussions des déchets et des eaux usées sur la santé. Le recyclage des déchets et la réduction de leur production ont été bien traités. Étant donné le temps limité, le secteur du programme du prolongement de la couverture du service d'élimination des déchets n'a pas été étudié en détail. Il est surprenant qu'on ait très peu insisté sur la modification du mode de vie et des habitudes de consommation comme élément nécessaire des stratégies de gestion des déchets; sans aucun doute cet aspect sera examiné de façon plus approfondie par PrepCom IV.

Documentation

A/CONF.151/PC/76	-	*Background Document* (Document d'information)
A/CONF.151/PC/WG.II/L.21/Rev.1	-	*Decision Document for all Wastes/Toxics issues* (Document relatif aux décisions finales concernant les questions des déchets toxiques)
Annexe II au L.21/Rev.1	-	*Revised Draft Agenda 21 for Solid Wastes and Sewage* (Ébauche révisée d'Agenda 21 au sujet des déchets solides et des eaux usées)

DISCUSSION DU PREPCOM

Voici les objectifs du Canada :

- Aider les pays en voie de développement à traiter de leurs besoins immédiats et pressants d'améliorer les services fondamentaux de déchets solides et d'eaux usées;

- Promouvoir la réduction de la production actuellement excessive de déchets solides et d'eaux usées dans les pays industrialisés.

Après les discussions d'ouverture au sujet de la question des déchets solides, un petit groupe de rédaction de volontaires s'est réuni pour une première tentative de négociations concernant la révision du projet de rédaction d'Agenda 21 (le Plan d'action pour le XXI^{e} siècle) (PC/42/Add.10).

Les négociations étaient constructives, représentant un vaste échantillon des intérêts nationaux tout en faisant l'équilibre des préoccupations entre les pays industrialisés et celles des pays en voie de développement. Les interventions proposant une sérieuse révision du document reflétaient les points de vue présentés lors des discussions générales précédentes. Le centre de discussion s'est déplacé des questions d'élimination à celle de la réduction des déchets et des initiatives en matière de recyclage. Le Canada appuyait ce principe ainsi que les stratégies basées sur des objectifs dans ces secteurs correspondant aux objectifs du Plan vert du Canada.

Voici certaines des questions relevées dans les interventions initiales et les révisions proposées :

- De nombreux pays en voie de développement ont souligné le lien entre la question de la santé et celle des déchets et/ou des eaux usées; certains ont l'impression que bien que le projet de document Agenda 21 reconnaisse ce lien il faut lui accorder plus d'importance.

- Les Pays-Bas, avec l'approbation du Canada et des pays de la CE, appuient les propositions pour la séparation à la source des déchets ménagers, le développement de marchés pour les produits recyclables et la promotion de l'utilisation des matériaux recyclables en particulier pour l'emballage, conformément aux travaux de notre protocole national sur l'emballage.

- Le Royaume-Uni a demandé le développement de «centres d'excellence» pour la formation en gestion des déchets, en bâtissant sur les institutions nationales appropriées et en encourageant la coopération internationale au moyen de réseaux institutionnels.**

- La Colombie et la Barbade ont demandé l'application de technologies appropriées, y compris les technologies de production plus propres qui pourraient entraîner une diminution maximale des déchets.

- Finalement, tous les pays ont appuyé l'objectif proposé qui est que, d'ici l'an 2000 les pays industrialisés et d'ici l'an 2020 les pays en voie de développement, aient mis en oeuvre des programmes pour stabiliser les déversements de déchets par habitant sur les sites de décharge.

Le groupe de travail au complet s'est réuni ensuite pour des consultations informelles pour examiner le travail du groupe de rédaction du projet. Les secteurs de programme traitant de la «réduction maximale des déchets», de la réutilisation maximale des déchets et «de la promotion d'élimination sûre des déchets» ont été l'objet d'une attention considérable jusqu'à ce que les impératifs de temps aient nécessité de clore les discussions. Le secteur final du programme «extension de la couverture des eaux usées et de l'élimination des déchets» a été traité de façon sommaire avec des secteurs litigieux et des ajouts de dernière minute mis entre parenthèses pour être examinés par PrepCom IV. Il n'y eut pas de débats passionnés; comme dans le cas des autres questions concernant les déchets, le seul travail sujet à controverse fut celui de l'établissement des objectifs. Les États-Unis ont résisté aux objectifs, citant la législation nationale, et ont proposé de les remplacer par des «politiques» .

Dans le secteur A du programme, «réduction maximale des déchets», la France a demandé l'introduction de taux de réduction de déchets par habitant qui diffèrent selon qu'il s'agit de zones urbaines ou de zones rurales; ces taux de réduction seraient instaurés lorsque l'objectif de stabilisation des taux serait atteint. Le Bénin a proposé que les gouvernements et les organismes internationaux coopèrent pour établir des programmes en vue du transport, de l'entreposage et de la gestion suffisants des aliments et des denrées périssables en vue de réduire leur contribution au flot des déchets. Le Bénin a aussi proposé un libellé demandant que les pays, par l'entremise de leurs établissements scolaires, conçoivent une documentation pédagogique et des programmes de formation en vue de réduire au minimum la production de déchets et ses répercussions environnementales.

En ce qui concerne la zone B du programme, «maximisation de la réutilisation des déchets», les Pays-Bas ont proposé comme objectif que les pays travaillant avec des institutions internationales appropriées renforcent et augmentent leur système de recyclage de déchets. Ils ont aussi cherché à encourager les pays à développer des marchés pour les produits recyclés en établissant des programmes qui donnent la préférence aux produits et emballages fabriqués au moyen de matières recyclées.

En vertu du secteur C du programme, «promotion de l'élimination sûre des déchets», un objectif/une politique (É.-U.) a été accepté; selon cet objectif/politique, d'ici 1995 les pays industrialisés et d'ici l'an 2000 les pays en voie de développement pourraient assurer qu'au moins 50 % de toutes les eaux usées et de tous les déchets solides soient traités ou éliminés conformément aux critères environnementaux de qualité. L'Argentine a proposé que chaque État fournisse des solutions écologiquement rationnelles pour les déchets qu'il produit sur son propre territoire afin que soit rendue inacceptable l'exportation vers les pays en voie de développement ou l'élimination de déchets dans les secteurs qui ne sont pas assujettis à la souveraineté d'un état. Les États-Unis ont demandé que ce texte soit mis entre parenthèses à cause des répercussions juridiques.

À la fin de la discussion, la Colombie a répété la position du G-77 commune à la discussion sur toutes les questions sectorielles et qui est : qu'avant l'approbation de tout programme et de tout plan d'action particulier déterminé dans le document PC/WGG.II/L.19/Add.1, la disposition de ressources financières nouvelles et additionnelles suffisantes ainsi que de la technologie doit être garantie par des conditions concessionnelles, préférentielles et non commerciales. Comme cela avait déjà été convenu lors des questions débattues auparavant, une section traitant de ces préoccupations sera ajoutée à chaque secteur de programme pour considération par PrepCom IV.

RÉSULTATS ET ÉVALUATION

Les objectifs canadiens en matière de déchets solides présentés pour PrepCom III ont été satisfaits en grande partie. Cependant, l'objectif de soutenir une insistance accrue sur la modification du mode de vie, de l'attitude et de la consommation en tant qu'éléments nécessaires des stratégies de gestion des déchets, exige plus d'attention et en recevra sans aucun doute à PrepCom IV.

Les secteurs qui ont été bien étudiés comprennent :

1) l'aide aux pays en voie de développement pour traiter de leurs besoins immédiats de services des déchets solides et d'eaux usées, comme suit :

   a) reconnaître davantage que cette question est liée à la santé;

   b) encourager les options de transfert de technologie et d'utilisation des technologies propres pour corriger ces insuffisances.

2) Promouvoir la réduction de la production excessive actuelle de déchets solides et d'eaux usées dans les pays industrialisés :

a) accorder la plus grande priorité aux 3R (réduction, réutilisation, recyclage); et

b) appuyer le développement de limites internationales et nationales pour améliorer les pratiques de recyclage.

3) Chercher à obtenir la stabilisation et la diminution maximale de la production de déchets par habitant, pour tous les pays, en déterminant des objectifs

4) Appliquer des systèmes d'objectifs aux initiatives de recyclage.

Avant la réunion de PrepCom IV, le Canada pourrait envisager de discuter avec les États-Unis de la question des objectifs, que les États-Unis ont régulièrement rejetés parce que leur législation nationale ne les utilise pas. Nous pourrions leur faire valoir les avantages que le Canada a retirés de méthodes telles que celle du Plan vert. En second lieu, nous devrions nous assurer que notre position relative à la question de transfert de technologies reconnaisse le besoin des pays en voie de développement de technologies nécessaires pour combattre les dangers graves pour la santé que représente la gestion des déchets.

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4 September 1991
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PREPARATORY COMMITTEE FOR THE UNITED NATIONS
CONFERENCE ON ENVIRONMENT AND DEVELOPMENT
Third session
Geneva, 12 August-4 September 1991
Working Group II
Agenda item 4

ENVIRONMENTALLY SOUND MANAGEMENT OF WASTES, PARTICULARLY HAZARDOUS WASTES, AND OF TOXIC CHEMICALS, AS WELL AS PREVENTION OF ILLEGAL INTERNATIONAL TRAFFIC IN TOXIC AND DANGEROUS PRODUCTS AND WASTES

Revised draft decision submitted by the Chairman

The Preparatory Committee,

1. Welcomes the reports of the Secretary-General of the Conference on Environmentally Sound Management of Wastes, particularly Hazardous Wastes and of Toxic Chemicals, as well as Prevention of Illegal International Traffic in Toxic and Dangerous Products and Wastes concerning the background documents (A/CONF.151/PC/74, A/CONF.151/PC/75, A/CONF.151/PC/76, A/CONF.151/PC/88) and the Options for Agenda 21 (A/CONF.151/PC/42/Add.8-10);

2. Requests the Secretary-General of the Conference to submit at its fourth session, the annex to this decision as contained in documents A/CONF.151/PC/WG.II/L.19 and Add.1-3, as revised, during the informal consultations at the third session;

3. Requests the Secretary-General of the Conference to submit to the Preparatory Committee at its fourth session for its consideration revised options for Agenda 21 indicating the origins of proposals, when they reflect the results of expert meetings, taking into account:

(a) The debate and the relevant decisions taken at this session including on the format of Agenda 21 and means of implementation as contained in document A/CONF.151/PC/L.49.

including for prevention, minimisation & management of hazardous wastes

(b) The results of the UNEP ad hoc meeting of government-designated experts to consider the draft elements for a possible international strategy and action programme, including technical guidelines for environmentally sound management of hazardous wastes, planned to be held before the end of 1991.

(c) The results of the ad hoc meeting of government-designated experts to be convened by UNEP in association with the IPCS which will consider proposals for an intergovernmental mechanism for risk assessment and management of chemicals and which is to be held in London by mid-December 1991.

ANNEX II

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ENVIRONMENTALLY SOUND MANAGEMENT OF SOLID WASTES AND SEWAGE-RELATED ISSUES: OPTIONS FOR AGENDA 21

INTRODUCTION

1. Environmentally sound waste management must go beyond simply disposing of, safely, the wastes that are generated and seek to address the root cause of the problem by attempting to change unsustainable patterns of production and consumption. This implies the application of the integrated life cycle management concept. Defined thus, the options for action under the programme on environmentally sound management of solid wastes and sewage present a unique opportunity to reconcile development with environmental protection.

2. Correspondingly the framework of the options for action is founded on a hierarchy of four objectives:

- Minimizing wastes
- maximizing waste reuse
- Promoting safe waste disposal
- Extending waste disposal service coverage

Such a four-goaled programme constitutes a comprehensive and environmentally-responsive framework for managing wastes in the future.

3. It is recognized that some of these goals cannot be accomplished immediately in either industrialized or developing countries. Changing production and consumption patterns which must characterize improvements in waste management in industrialized countries require public support and incentives to manufacturers and can take considerable time to put into effect. Current consumption levels in developing countries are low and substantial increases will be inevitable as these countries attain basic standards of economic welfare. The instilling of sound waste management policies and approaches now could help ensure a sustainable development process for the future. In addition, some improvement in both the quality of service and environmental protection achieved by present day waste production and disposal practises is required for most developing countries. For the urban poor populations who already reduce and make alternative use much of their wastes the priority is often to have access to safe waste disposal systems.

SECTOR-WIDE OBJECTIVES FOR WASTES

4. Following are the overall sector-wide objectives:

a. Minimize the generation of waste; where generation of waste cannot be avoided, ensure that all wastes are safely recycled, treated or disposed of.

b. Ensure that the living and working environment of all people is isolated from all forms of waste

c. Ensure that waste-related surface and ground water and soil pollution is eliminated

PROPOSED PROGRAMME AREAS

5. The following four major waste-related programme areas are proposed as options for consideration by the Preparatory Committee:

MINIMIZING WASTES
MAXIMIZING WASTE REUSE
PROMOTING SAFE WASTE DISPOSAL
EXTENDING WASTE DISPOSAL SERVICE COVERAGE

6. The above programmes are not in any order of priority, as priorities will vary from one country to the next. In fact, for many developing countries the programme to improve and extend waste disposal service coverage will remain the first priority for many years to come. The four programme areas together will help in the achievement of sector-wide goals for wastes in a comprehensive manner. Within each programme area, a number of actions will need to be undertaken and should seek to build upon current activities and programmes at the global, regional, national and local levels.

A. MINIMIZING WASTES

Basis for action

7. Unsustainable patterns of production and consumption are increasing the quantities and variety of environmentally persistent wastes at unprecedented rates. The trend could double the quantities of wastes produced by the end of the century and increase quantities by between four and five fold by the year 2025. A preventive waste management approach focused on changes in life-styles and in production and consumption patterns offers the best chance for reversing current trends.

Objectives

8. [With the aim to stabilize or reduce the production of

wastes destined for final disposal over an acceptable time frame, countries with international organizations cooperation could establish national production rates per capita, in urban and rural areas based upon the volume of wastes produced in those areas respectively.]

9. Countries in cooperation with international organizations, could strengthen procedures for assessing waste quantity and composition changes and for making waste minimization policies operational.

10. [Some targets of the programme could include:]

a. By [2000] ensure sufficient national, regional and international capacity to access, process and monitor waste trend information and implement waste minimization policies.

b. [By [2000] all industrialized countries should have in place programmes to stabilize per capita waste production of waste, destined for final disposal, at the level prevailing at those dates; developing countries should as well work towards the goal to stabilize their waste production rates, without jeopardizing their development prospects.]

c. [By [2025] produce annual periodic reviews with full global coverage.]

d. [By the year [2000] all countries, in particular industrialized countries should apply programmes in order to reduce the production of agro-chemical wastes.]

Activities

11. Monitoring is a key prerequisite for keeping track of changes in waste quantity and quality and their resultant impact on health and the environment. The following specific activities could be undertaken to support monitoring:

a. Relevant UN bodies coordinate the development of methodologies for country-level waste monitoring and use and expand existing monitoring mechanisms such as UNEP's Global Environmental Monitoring System (GEMS); WHO's Drinking Water Supply and Sanitation Coverage Data and Global Epidemiological Statistics; and UNCHS (Habitat)'s Human Settlements Statistical Data Base (HSDB.stat) programme for developing a harmonized data collection system.

b. Countries, with appropriate international cooperation, identify and strengthen local institutions for gathering the requisite data.

c. The relevant UN bodies undertake to process the data and report systematically to the countries concerned and an appropriate UN forum.

d. Countries use the data to assess how environmentally sound their waste policies are and act accordingly.

12. Instruments for waste minimization will need to be identified and widely disseminated. These could include:

a. Relevant international organizations could undertake an extensive review of the effectiveness of all waste minimization instruments, and identify potential new instruments that could be used and techniques by which they could be made operational at the country level. Guidelines and codes of practice could be developed.

b. Countries could make waste prevention and minimization the principal objective of their waste management programmes.

c. Countries could promote public education and a range of regulatory and non-regulatory incentives to encourage industry to change product design and reduce industrial process wastes through cleaner production technologies and good housekeeping practices and encourage industries and consumers to use types of packaging that can be re-used, in particular refillable packaging.

d. Countries in accordance with their capacities could implement demonstration and pilot programmes to optimize waste minimization instruments.

e. *Governments, especially in developing countries, with cooperation from international organizations, could establish programmes for adequate transport, storage conservation and management of agricultural products, food stuffs and other perishable goods in order to reduce loss of these products, which results in the production of solid waste.

*[Throughout this document "Governments" also refers to the European Community acting in the sphere of its competence]

13. Conciousness raising, education, information and research aimed at promoting waste minimization are crucial for obtaining citizen and industry support. Countries could consider the following options in the development of their programmes:

a. Countries, in cooperation with educational establishments could include within school curricula principles and practices of preventing and minimizing wastes and the environmental impacts of waste.

b. [Countries in cooperation with educational establishments should elaborate pedagogical and teaching materials which would support training programmes aimed to preventing and minimizing the production of wastes and its impact on the environment].

c. [Countries, together with NGOs, could sensitize the society to the need for waste minimization as an integral part of solid waste management.]

d. Relevant international organizations could develop media packages for adaptation and use in local campaigns.

e. Countries could increase funds for applied research on waste minimization and provide an enabling framework for industry to do likewise.

f. International organizations could intensify and further develop the activities of the networks relating to information exchange on clean technologies and waste minimization.

g. Government could promote centres of excellence for training in waste management building on appropriate national institutions and encouraging international cooperation including through institutional links.

14. Capacity building will be crucial to allow countries, especially developing countries, to develop and implement waste minimization at the local and national levels. Some of the activities that could be undertaken are:

a. The relevant UN and other international bodies, in cooperation with countries and where appropriate NGOs, could provide increased technical and financial assistance to build up technical, managerial, planning, monitoring and administrative capacities to implement waste prevention and minimization as the priority

objective of overall waste management programmes.

b. [Countries could facilitate transfer of waste reduction technologies to industry, and establish concrete national targets for effluents and solid wastes and for raw material use and energy consumption.]

[The implementation by developing countries of specific programmes and actions envisaged under Agenda 21 will be subject to the provision of adequate new and additional financial resources and of technology on concessional, preferential and non-commercial terms.

Proposals for means of implementation will include the following heading:

- Financing and cost evaluation
- Scientific and technological means
- Human resources development
- Building capacity of developing countries for
- preventive and corrective action in the field of environmental protection and promotion of development]

B. MAXIMIZING WASTE REUSE

Basis for action

15. The exhaustion of traditional disposal sites, stricter environmental controls governing waste disposal, and increasing quantities of more persistent wastes have all contributed to a rapid increase in the cost of waste disposal services. Costs could double or triple by the end of the decade. Current disposal practices pose a threat to the environment. As the economics of waste disposal services change, waste recycling and resource recovery are becoming increasingly cost-effective. Future waste management programmes should take maximum advantage of resource-efficient approaches to management.

Objectives

16. Countries, in cooperation with international organizations, could strengthen and increase their recycling systems.

17. The United Nations should develop an internal recycling programme for main waste streams including paper, to the extent possible, including the use of recycled papers.

18. Countries and international organizations could ensure the

availability of information techniques and appropriate policy instruments to encourage and make operational waste recycling schemes.

19. [Some targets of the programme could include:]

a. [By [2000] [ensure]/[promote] sufficient [financial and technological capacities at the regional, national and local levels] national and local regional capacity to implement waste recycling policies and actions.]

b. By [2010] all industrialized countries and by [2010] all developing countries should have a national programme including to the extent possible [concrete] targets for efficient waste recycling

Activities

20. Information and research is required to identify promising socially-acceptable and cost-effective forms of waste recycling relevant to each country. For example, supporting activities could include:

a. International and regional organizations could undertake an extensive review of options and techniques for recycling all forms of wastes. Policies for recycling could be made an integral component of national and local waste management programmes.

b. Countries, with appropriate international cooperation, could assess the extent and practice of waste recycling operations currently undertaken and identify ways by which these could be intensified and supported.

c. Countries, with appropriate international cooperation, could increase funding for applied research pilot programmes to test out various options for recycling, including the use of small, cottage-based recycling industries; compost production; treated wastewater irrigation; and energy recovery from wastes.

d. International and regional organizations could produce guidelines and best practices for waste recycling.

e. Relevant UN bodies, in cooperation with governments and NGOs, could intensify efforts at collecting, analyzing and disseminating to key target groups relevant information on waste issues. Special research grants could be made available on competitive basis for

innovative research projects on recycling techniques.

21. Incentives for waste recycling are numerous. Countries could consider the following options to encourage industry, institutions, commercial establishments and individuals to recycle wastes instead of disposing of them:

a. Offer incentives to local and municipal authorities that recycle the maximum proportion of their wastes.

b. Provide technical assistance to informal waste recycling operations.

c. Apply economic and regulatory instruments, including tax incentives to support the principle that generators of wastes pay for their disposal.

d. Provide legal and economic conditions conducive to investments in waste recycling.

e. Implement specific mechanisms such as deposit/refund systems as incentives for recycling.

f. Promote the separate collection of recyclable parts of household wastes.

g. Consider incentives to improve the marketability of technically recyclable waste.

h. Encourage the use of recyclable materials, particularly in packaging, when feasible.

i. Encourage the development of markets for recycled goods by establishing programmes.

22. The Transfer of technologies could support waste recycling and reuse:

a. The United Nations, inter-governmental and other relevant, organizations, could include the transfer of recycling technologies, such as machinery for reusing plastics, within their technical co-operation and aid programmes.

b. The United Nations, regional organizations, national governments and NGOs could develop and improve existing technologies, especially indigenous technologies, and facilitate their transfer under on-going regional and inter-regional technical assistance programmes.

c. [National governments could facilitate technology transfer for waste recycling by exempting such technologies from import taxes and other restrictions.]

23. Training will be required to reorient present day waste management practices to include waste recycling. The following is an indicative list of actions that might be incorporated:

a. The United Nations, international and regional organizations could include waste recycling in-service programmes as integral components of their technical cooperation programmes on waste management, urban management and infrastructure development.

b. Existing training programmes on water supply and sanitation could be expanded to incorporate techniques and policies for waste recycling.

c. The advantages and civic obligations associated with waste recycling could be included in school curricula and relevant general educational courses.

d. NGOs, community-based organizations and public interest groups in collaboration with local municipal authorities could do much to mobilize community support for waste recycling through focused community-level campaigns.

24. Capacity building to support increased waste recycling could focus on the following areas:

a. Ways by which national governments can make operational national policies and incentives for waste management.

b. Methods of enabling local and municipal authorities to mobilize community support for waste recycling by involving and assisting the informal sector waste recycling operations and undertaking waste management planning which incorporates resource recovery practices.

c. [Financial and technical cooperation will be required for resource recovery infrastructure planning and implementation.]

[The implementation by developing countries of specific programmes and actions envisaged under Agenda 21 will be subject to the provision of adequate new and additional financial resources and of technology on concessional, preferential and

non-commercial terms.

Proposals for means of implementation will include the following heading:

- Financing and cost evaluation
- Scientific and technological means
- Human resources development
- Building capacity of developing countries for preventive and corrective action in the field of environmental protection and promotion of development]

C. PROMOTING SAFE WASTE DISPOSAL

Basis for action

25. Even when wastes are minimized and recycling has been maximized, some wastes will still remain. Even after treatment, all discharges of wastes have some residual impact on the receiving environment. Consequently, there is scope for improving waste treatment and disposal practices such as, for example, avoiding the discharge of sludges at sea. In developing countries the problem is of a more fundamental nature: less than 10 percent of urban wastes receive any form of treatment and only a small proportion of treatment is in compliance with any acceptable quality standard. Fecal matter treatment and disposal should be accorded due priority given its potential threat to human health.

Objectives

26. Countries, with appropriate international cooperation, could treat and dispose safely an increasing proportion of the generated wastes with time.

27. [Some targets of the programme could include]/[Policies could include]:

a. By [1995] all countries could establish waste treatment and disposal quality criteria based on the nature and assimilative capacity of the receiving environment.

b. By [2000] countries could establish sufficient capacity to undertake waste-related pollution impact monitoring and conduct regular surveillance [including epidemiological surveillance].

c. By [1995] industrialized countries and by [2000] developing countries could ensure that at least 50 percent of all sewage, wastewaters and solid wastes are

treated or disposed of [in conformity with environmental quality criteria].

d. By [2025] countries could dispose of all sewage, wastewaters and solid wastes [in conformity with internationally agreed and accepted environmental quality criteria.]

Activities

28. Standard setting and monitoring are two key elements essential for gaining control over waste-related pollution. The following specific activities are indicative of the kind of supportive actions that could be taken:

a. Relevant United Nations agencies and other relevant international organizations could cooperate with governments in assembling and analyzing the scientific evidence and association of pollution impacts of wastes in the environment in order to formulate and disseminate recommended international scientific criteria and guidelines.

b. Countries could establish national and, where relevant, local environmental quality standards based on international scientific criteria and guidelines.

c. Relevant international organizations and institutions could include within their technical cooperation programmes and agreements the provision of monitoring equipment and requisite training for their use.

29. Institutional reforms and capacity building will be indispensable if countries are to be able to quantify and mitigate waste-related pollution. Some activities to achieve this objective could include:

a. [Each and every state should provide an enviornmentally sound solution, for the wastes it produces within its own territory, without it being acceptable to be exported to third countries or disposing it in areas, which are not subject to state sovereignity].

b. Countries that do not have independent environmental control bodies could be encouraged to establish these at national and local levels. International organizations and donors could support needed manpower skill upgrading and provision of equipment.

c. Countries could empower pollution control agencies with

the requisite legal mandate and financial capacities to carry out their duties effectively.

d. International agencies, formal technical training establishments and local NGOs could provide both formal and in-service training focused on pollution control, waste treatment and disposal technologies, and operations and maintenance of waste-related infrastructure. Inter-country staff exchange programmes could also be established.

e. Countries, municipalities and local authorities, in collaboration with UN agencies, international organizations and funding agencies could focus, [as a first priority], on the rehabilitation and maintenance of existing facilities and [concentrate] technical assistance on improved maintenance practices and techniques; followed by the planning and construction of waste treatment facilities.

f. [Countries, municipalities and local authorities with appropriate international cooperation could establish programmes to ensure the source segregation and safe disposal of the hazardous components of municipal solid waste].

g. [Countries with appropriate international cooperation could develop human wastes management plans giving due attention to the development and application of appropriate technologies and corresponding financial resources for their implementation].

30. Information and research on various aspects of waste-related pollution control will be crucial for achieving the objectives of this programme. Activities in this area could include:

a. [An information clearing house to be established within a relevant UN agency with extensive networks at the regional, national and local levels to collect and disseminate information on all aspects of waste management, including safe disposal. Through the clearing house, strengthen existing regional networks and create new ones in regions that don't have them].

b. Relevant UN agencies could prepare guidelines and technical reports on subjects such as the integration of human settlements land use planning with waste disposal; environmental quantity criteria and standards; waste treatment and safe disposal options;

industrial waste treatment; and landfill operations.

c. Research on critical subjects such as low-cost, low-maintenance wastewater treatment systems, safe sludge disposal options, industrial waste treatment and low ecologically-safe waste disposal technologies could be supported by the international donor community.

31. In appraising development projects in the fields of water supply and waste collection, the need for investments in waste treatment facilities should be considered.

[The implementation by developing countries of specific programmes and actions envisaged under Agenda 21 will be subject to the provision of adequate new and additional financial resources and of technology on concessional, preferential and non-commercial terms.

Proposals for means of implementation will include the following heading:

- Financing and cost evaluation
- Scientific and technological means
- Human resources development
- Building capacity of developing countries for preventive and corrective action in the field of environmental protection and promotion of development]

D. EXTENDING WASTE DISPOSAL SERVICE COVERAGE

Basis for Action

32. By the end of the century over 2.0 billion people will be without access to basic sanitation and an estimated half of urban populations in developing countries will be without adequate solid waste disposal services. As many as 5.2 million people, including 4 million children under 5 die each year from waste-related diseases. The health impacts are particularly severe for the urban poor. The health and environmental impacts of inadequate waste management, however, go beyond the unserved settlements themselves and result in water, land and air contamination and pollution over a wider area. Extending and improving waste collection and safe disposal services are crucial to gaining control over this form of pollution.

Objectives

33. The overall objective of this programme is to provide

health-protecting, environmentally-safe waste collection and disposal services to all people. Specific supportive targets could be:

a. By [2000] all countries should have necessary technical, financial and human-resource capacity to ensure the provision of waste services commensurate with needs;

b. By [2025] all urban populations should be provided adequate waste services;

c. By [2050] full urban waste service coverage should be maintained and full rural coverage with sanitation achieved.

Activities

34. Other Agenda 21 programme actions would contribute to the provision of waste services. These include:

a. The Drinking Water Supply and Sanitation; and the Water and Sustainable Urban Development Programme areas of the Agenda 21 proposals on Freshwater Resources (document: A/CONF.151/PC/42/Add.7).

b. The Environmental Infrastructure; and Human Settlements Management Programme areas of the Agenda 21 proposals on Human Settlements (document: A/CONF.151/PC/55).

c. "The Basic Health Needs Related to The Environment" programme area of the Agenda 21 proposals on Environmental health aspects of development (document: A/CONF.151/PC/54).

35. Since most of these initiatives will require interventions within the human settlements context, an overall umbrella programme that coordinates and concentrates international efforts within the human settlements programme and leads to action at the national and local levels will prove essential.

The following activities are proposed under this programme area:

36. [Policy changes at the national and local levels could enhance the rate of waste service coverage extension. These could include:

a. The full recognition and use of the range of low-cost options for waste management including where

appropriate their institutionalization and incorporation within codes of practice and regulation.

b. High priority given to the extension of waste management services to all settlements irrespective of their legal status.

c. Integration of the provision and maintenance of waste management services with other basic services such as water supply and stormwater drainage.]

37. [Considerable financial and technical cooperation will be required to increase coverage. National governments, in collaboration with the United Nations, relevant international organizations and multilateral financial institutions could undertake many activities of which the following are a sample:

a. Adjust priorities within waste management programmes to give higher priority to meeting the waste disposal service needs of the unserved, especially, the unserved urban poor.

b. Establish financing mechanisms for waste management service development in deprived areas including appropriate modes of revenue generation.

c. Apply polluter pays principle by setting waste management charges at rates that reflect the true economic costs of providing the service and ensure that those that generate the wastes pay the full cost of disposing of it in an environmentally safe way.

d. Participatory planning and implementation procedures that involve communities, especially women, could be institutionalized.

e. Inter-country transfer of relevant technologies, especially technologies for high density settlements, could be encouraged.]

38. Information and research activities could be enhanced. Countries, in cooperation with appropriate international organizations and NGOs could, for instance:

a. Find solutions and equipment for managing wastes in areas of concentrated populations. In particular, there is a need for appropriate refuse storage and collection systems and cost-effective and hygienic human waste disposal options.

b. Prepare and disseminate guidelines, case studies, policy reviews and technical reports on appropriate solutions and modes of service delivery to unserved low-income areas.

c. A Settlement Infrastructure and Environment Programme could be launched following the Conference to co-ordinate the activities of all UN agencies involved in this area and include a clearing house for information dissemination on all waste management issues.

d. Launch campaigns to encourage active community participation in waste management particularly household waste.

39. International organizations, national and local governments in collaboration with NGOs, could provide focused training on low-cost waste disposal options and participatory techniques for their planning and delivery. Inter-country staff exchange programmes among developing countries could form part of such training.

40. Improvements in management techniques are likely to yield the greatest returns in terms of improving waste management service efficiency. The United Nations, international organizations and financial institutions could in collaboration with national and local governments develop and make operational management information systems (MIS) for municipal record keeping and accounting and for efficiency and effectiveness assessment.

[The implementation by developing countries of specific programmes and actions envisaged under Agenda 21 will be subject to the provision of adequate new and additional financial resources and of technology on concessional, preferential and non-commercial terms.

Proposals for means of implementation will include the following heading:

- Financing and cost evaluation
- Scientific and technological means
- Human resources development
- Building capacity of developing countries for preventive and corrective action in the field of environmental protection and promotion of development]]

GESTION ÉCOLOGIQUEMENT RATIONNELLE DES PRODUITS CHIMIQUES TOXIQUES

RÉSUMÉ

La principale question litigieuse, tout comme dans les autres discussions des options d'Agenda 21 (le Plan d'action pour le XXI[e] siècle), était l'inclusion de la nécessité de fournir des ressources financières nouvelles et additionnelles aux pays en voie de développement pour les aider à mettre en oeuvre des plans d'action relevant des secteurs du programme. Les pays en voie de développement s'inquiètent de la circulation transfrontière des produits toxiques et des produits dangereux ainsi que de la nécessité de développer la capacité institutionnelle qui permette d'évaluer les risques chimiques et de contrôler la circulation illégale.

On reconnaît le bien-fondé de l'application universelle des dispositions des directives de Londres en matière de «consentement informé préalable» ainsi que de la nécessité d'une coordination internationale de l'évaluation du risque chimique.

Le Canada a l'intention de traiter les implications du texte entre parenthèses qui traite des restrictions à la production et à l'utilisation de l'amiante.

Documentation

A/CONF.151/PC/74	-	*Background Document* (Document d'information)
A/CONF.151/PC/WG.II/L.21/Rev.1	-	*Decision Document on all Wastes/Toxics issues* (Document de décision au sujet de toutes les questions de déchets ou de produits toxiques)
Annexe IV au L.21/Rev.1	-	*Options for Agenda 21:Revised Draft* (Options pour Agenda 21 : Ébauche révisée)

DISCUSSION DU PREPCOM

Voici les objectifs du Canada :

- Promouvoir la méthode du cycle de vie («du berceau à la tombe») à la gestion des produits chimiques;

- Promouvoir une évaluation préalable complète des conséquences économiques, sanitaires, environnementale et pour la sécurité, des mesures de contrôle et des technologies de remplacement que l'on envisage d'adopter dans la gestion nationale des produits chimiques toxiques;

- Encourager l'adoption de mesures qui aideront les pays en voie de développement à développer l'expertise et l'infrastructure législative qui leur permettront de prendre des décisions opportunes et informées de façon indépendante au sujet de l'utilisation des produits chimiques;

- Promouvoir l'adoption de méthodes compatibles avec la gestion des produits chimiques par les pays.

Les discussions d'ouverture ont repris de nombreux points et inquiétudes soulevés pendant le débat de PrepCom II qui ont déjà fait l'objet d'une étude complète dans le rapport de la délégation canadienne au sujet de cette deuxième réunion. Les consultations informelles du groupe de travail étaient centrées sur le document A/CONF.151/PC/42/Add.8, le document initial du secrétariat proposant des options pour le Programme. Le résultat final de ces discussions est donné dans l'annexe IV au document L.21/Rev.1. Tous les secteurs du programme contiennent l'avertissement (entre parenthèses) des pays en voie de développement selon lequel la mise en oeuvre des plans d'action en vertu d'Agenda 21 dans les pays en voie de développement est assujettie à la fourniture de nouvelles ressources financières supplémentaires.

Dans le rapport suivant, les numéros de paragraphes se rapportent à l'annexe IV du document A/CONF.151/PC/WG.II/L.21/Rev.1, soit les options révisées de l'ébauche d'Agenda 21.

Dès le début, plusieurs délégations ont fait remarquer que les produits chimiques sont essentiels, que la solution à leur problème ne consiste pas à les bannir mais à les utiliser de façon sûre et sans excès. En outre, plusieurs délégations ont signalé l'importance des liens avec d'autres questions; par exemple le débat relatif aux pesticides ne peut pas ignorer les répercussions sur l'agriculture, la santé et l'eau douce.

Les délégations ont déterminé que le risque chimique est crucial; il nécessite un effort massif et coûteux qui le prédispose naturellement à la coopération internationale et qui impose la nécessité d'établissement des priorités dans le cadre de cette coopération. La nécessité de tenir compte du travail de tous les organismes, y compris celui des organismes ne faisant pas partie de l'ONU, comme l'OCDE, a été soulignée dans de nombreuses interventions (y compris celle du Canada). Dans le contexte de l'établissement des priorités, de nombreuses délégations ont déterminé la nécessité de renforcer le programme international relatif à la sécurité des substances chimiques (PISC). Elles ont aussi déterminé que la collaboration avec l'industrie était essentielle (paragraphe 14).

Plusieurs délégations ont mentionné la prochaine réunion du MOS/ILO/PNUE (Londres, 16 au 19 décembre) d'experts, désignés par les gouvernements, qui examineront les propositions pour un mécanisme intergouvernemental d'évaluation du risque et de la gestion des produits chimiques, comme un apport important pour Agenda 21. L.21/REV.1 demande au Secrétaire général de tenir compte des résultats de cette réunion lors de la préparation des options révisées pour Agenda 21.

On a insisté sur des programmes efficaces d'étude, de communication et de sensibilisation, particulièrement comme condition requise préalable pour la mise en oeuvre des principes du «droit de la collectivité de savoir». Ce principe a été intégré au titre de la responsabilité des gouvernement (alinéa 41(b)).

Plusieurs délégations ont souligné la nécessité d'organiser des programmes de formation des employés en collaboration avec l'industrie et les syndicats et cela a été inclus dans l'annexe IV (alinéa 41(g)).

Certaines délégations (Malaisie, Mali) ont repris le principe du consentement informé préalable (CIA) qui devrait lier les parties juridiquement. Bien qu'il y ait une entente générale selon laquelle le principe du CIA doit être appliqué de façon uniforme dans le monde entier, la suggestion visant à ce que ce principe soit une contrainte juridique est mise entre parenthèses (alinéa 27 (c)).

On a aussi déterminé que l'harmonisation, en particulier dans la classification et l'étiquetage, était une priorité. La délégation suédoise a déclaré que c'est important non seulement pour la sécurité mais aussi pour le commerce; la délégation malaysienne a fait remarqué que le système utilisé pour le transport serait un bon choix comme norme. Le Brésil a fait une mise en garde en précisant qu'un système global d'harmonisation ne doit pas devenir une barrière non tarifaire contre les pays en voie de développement qui pourraient trouver encore plus difficile de répondre aux normes internationales. Certaines délégations ont fait remarquer que l'étiquetage doit être fait non seulement dans

les langues appropriées, mais qu'il nécessite aussi des symboles pour ceux qui sont illettrés. Ces points sont reflétés au paragraphe 21.

L'inquiétude des pays en voie de développement au sujet de la circulation transfrontière a entraîné l'addition d'un objectif supplémentaire traitant du contrôle des exportations de produits chimiques bannis et limités de pays en voie de développement (alinéa 5(b)), ainsi qu'un appel aux gouvernements pour interdire l'exportation de produits chimiques, dont la vente est interdite dans le pays d'origine (alinéa 33(o)). Ces deux dispositions sont litigieuses et mises entre parenthèses.

Comme on s'y attendait, on a déterminé comme crucial le développement de capacités pour tous les secteurs du programme. Certaines délégations ont fait remarquer qu'une aide technique et financière doit être étendue au secteur privé et aux organismes non gouvernementaux ainsi qu'à tous les paliers de gouvernement. D'autres délégations, comme celle de la Suède, ont fait remarquer que les plans d'action internationaux peuvent bénéficier d'activités nationales seulement si la capacité nationale de réalisation existe, ce qui exige une volonté politique.

Certaines délégations, dont celle de Finlande, ont exprimé l'inquiétude selon laquelle certains des buts proposés dans l'ébauche des documents d'Agenda 21 peuvent ne pas être réalistes. En conséquence, les dates de mise en oeuvre de certains secteurs du programme (paragraphes 19, 26 et 39) sont mises entre parenthèses.

L'annexe IV renferme deux références (entre parenthèses) à une restriction proposée et à la suppression progressive de la production et de l'utilisation de l'amiante. L'alinéa 33(h) sous-entend que l'amiante se trouve sur une liste de produits interdits d'une ou de plusieurs conventions internationales ce qui n'est pas le cas selon Énergie, Mines et Ressources Canada. L'alinéa 35(e) est litigieux dans le sens que la plupart des pays industriels ont choisi de réduire l'exposition à l'amiante plutôt que d'interdire sa production et son utilisation. Le Vénézuéla, appuyé par la Colombie, ont proposé ces références.

RÉSULTATS ET ÉVALUATION

Le résultat constitue un document révisé d'Agenda 21 qui renferme de nombreuses propositions entre parenthèses. La nécessité de ressources nouvelles et supplémentaires suffisantes est présente dans chaque secteur de programme (entre parenthèses) et sera de toute évidence le point central des débats à la réunion du PrepCom IV.

La question de la circulation transfrontière, ainsi que la nécessité de renforcer leur capacité pour évaluer le risque chimique et contrôler la circulation illégale**, continue d'être une priorité pour les pays en voie de développement. La reconnaissance de la nécessité d'une coopération internationale dans l'élaboration des données sur le danger et les risques par un renforcement du PISC est en rapport avec les objectifs canadiens visant à promouvoir la gestion compatible et internationale des produits chimiques. L'appel à la participation de toute l'industrie accélérera l'adoption d'une gestion, du berceau à la tombe, par la mise ne oeuvre de programmes d'administration des produits.

Le Canada étudiera les répercussions des propositions traitant des restrictions sur la production et l'utilisation de l'amiante.

A/CONF.151/PC/WG.II/L.21/Rev.1
4 September 1991
Original: ENGLISH

PREPARATORY COMMITTEE FOR THE UNITED NATIONS
CONFERENCE ON ENVIRONMENT AND DEVELOPMENT
Third session
Geneva, 12 August-4 September 1991
Working Group II
Agenda item 4

ENVIRONMENTALLY SOUND MANAGEMENT OF WASTES, PARTICULARLY HAZARDOUS WASTES, AND OF TOXIC CHEMICALS, AS WELL AS PREVENTION OF ILLEGAL INTERNATIONAL TRAFFIC IN TOXIC AND DANGEROUS PRODUCTS AND WASTES

Revised draft decision submitted by the Chairman

The Preparatory Committee,

1. Welcomes the reports of the Secretary-General of the Conference on Environmentally Sound Management of Wastes, particularly Hazardous Wastes and of Toxic Chemicals, as well as Prevention of Illegal International Traffic in Toxic and Dangerous Products and Wastes concerning the background documents (A/CONF.151/PC/74, A/CONF.151/PC/75, A/CONF.151/PC/76, A/CONF.151/PC/88) and the Options for Agenda 21 (A/CONF.151/PC/42/Add.8-10);

2. Requests the Secretary-General of the Conference to submit at its fourth session, the annex to this decision as contained in documents A/CONF.151/PC/WG.II/L.19 and Add.1-3, as revised, during the informal consultations at the third session;

3. Requests the Secretary-General of the Conference to submit to the Preparatory Committee at its fourth session for its consideration revised options for Agenda 21 indicating the origins of proposals, when they reflect the results of expert meetings, taking into account:

(a) The debate and the relevant decisions taken at this session including on the format of Agenda 21 and means of implementation as contained in document A/CONF.151/PC/L.49.

including for prevention, minimisation & management of hazardous wastes

(b) The results of the UNEP ad hoc meeting of government-designated experts to consider the draft elements for a possible international strategy and action programme, including technical guidelines for environmentally sound management of hazardous wastes, planned to be held before the end of 1991.

(c) The results of the ad hoc meeting of government-designated experts to be convened by UNEP in association with the IPCS which will consider proposals for an intergovernmental mechanism for risk assessment and management of chemicals and which is to be held in London by mid-December 1991.

ANNEX IV

[

ENVIRONMENTALLY SOUND MANAGEMENT OF TOXIC CHEMICALS

PREVENTION OF ILLEGAL INTERNATIONAL TRAFFIC IN TOXIC AND DANGEROUS PRODUCTS AND WASTES

OPTIONS FOR AGENDA 21

I. INTRODUCTION

1. A substantial use of chemicals is essential to meet the social and economic goals of the world community and today's best practice demonstrates that they can be widely used, cost effectively, and with a high degree of safety. However, a great deal remains to be done to extend the environmentally sound management of toxic chemicals, to undo the mistakes of the past, and to harness the carefully chosen use of chemicals to the causes of sustainable development and an improved quality of life in every country and every community across the globe. One of the major problems to tackle is the lack of sufficient scientific information for the assessment of risks of a great number of chemicals. Another problem is the lack of resources to assess chemicals for which data are at hand.

2. Other problems are related to the fact that the introduction of chemicals and of chemically-related industries in developing countries, which as yet lack the infrastructure and trained human resources for chemical safety, is often carried out on a far from environmentally-sound basis.

3. Gross chemical contamination, with grave damage to human health and the environment, has continued in recent times in some of the world's most important industrial areas. Restoration will require major investments and development of new techniques. The importance of long-range transport of pollution, with effects which can extend even to the fundamental chemical and physical processes of the Earth's atmosphere and climate, is only recently becoming understood.

4. A considerable number of international bodies are involved in work on chemical safety. In many countries work-programs for the promotion of chemical safety are in place. Such work has international implications as chemical risks do not respect national boundaries. However, a significant strengthening of both national and international efforts is needed in order to achieve an environmentally sound management of chemicals.

II. OPTIONS FOR AGENDA 21

OVERALL OBJECTIVES

5. Overall objectives are:

a. Beneficial use of chemicals for sustainable development and safe

manufacturing with minimum risks to health and the environment.

b. [Prevention of the uncontrolled exports of banned and severely restricted chemicals to developing countries which have neither the know-how, nor the capacity to manage such chemicals.]

c. [Promotion of specific procedures to enable countries concerned to take well informed decisions on the management of toxic chemicals.]

d. [Adoption of strategies precautionary and anticipatory in approach for environmentally sound management of chemicals in each country not later than the year 2000 with implementation as soon as possible thereafter.]

PROPOSED PROGRAMME AREAS

6. The following major programme areas are proposed as options:

a. Expanding and accelerating the international assessment of chemical risks.

b. Harmonization of classification and labelling of chemicals

c. Information exchange on toxic chemicals and chemical risks

d. Establishment of risk reduction programmes

e. Strengthening of national capabilities and capacities for management of chemicals

7. Common for the five programme areas is that their successful implementation is highly dependent, on one hand, on intensive international work, still better coordination of current international activities, and on the other hand on the identification and application of technical, scientific, educational and financial means, in particular for developing countries. To varying degree the programme areas involve hazard assessment, based on the intrinsic properties of chemicals, risk assessment, including assessment of exposure, risk acceptability and risk management.

8. The collaboration on chemical safety between UNEP/IRPTC,ILO and WHO in the IPCS should be the nucleus for international co-operation on environmentally sound management of toxic chemicals. All efforts should be made to strengthen this programme. Cooperation with other programmes, and particularly the OECD and EC Chemicals Programme, should be promoted.

9. Increased coordination of UN agencies and other international organizations involved in chemicals assessment and management should be further promoted. Within the framework of IPCS an intergovernmental meeting, convened by the Executive Director of UNEP, to be held in London in December 1991 should further explore this matter.

10. The broadest possible awareness of chemical risks is a prerequisite for achieving chemical safety. Therefore, the principle of community right to know should be recognized and the industry initiative on responsible care and product stewardship should be developed and promoted. Large industrial enterprises including transnational corporations should apply adequate standards of operation in all countries in order not to damage human health and the environment.

A. EXPANDING AND ACCELERATING THE INTERNATIONAL ASSESSMENT OF CHEMICAL RISKS

Basis for Action

11. The assessment of risks to human health and environment that a chemical may cause is a prerequisite to planning for its safe and beneficial use. Out of the approximately 100,000 chemical substances in commerce and the thousands substances of natural origin which human beings come into contact, many substances appear as pollutants and contaminants in food, commercial products and the various environmental media. Fortunately the exposure to most chemicals is rather limited as most are used in very small amounts. Some 1500 chemicals cover over 95 per cent of the total world production. But a serious problem is that even for a great number of high volume production chemicals, crucial data for risk assessment are often lacking.

12. Risk assessment is resource-intensive. It could be made cost-effective by strengthening international co-operation and better coordination, thereby making best use of available resources and avoiding unnecessary duplication of efforts.

Objective

13. Strengthening of international risk assessment. About 500 priority chemicals or groups of chemicals, including major pollutants and contaminants of global significance, could have been assessed by the year 2000 using current selection and assessment criteria.

Activities

14. Relevant international organizations with active participation of Governments* and industry [should]:

(a) Strengthen and expand programmes on chemical risk assessment within the UN system (IPCS: UNEP, ILO, WHO), based on agreed approach to data quality, assurance, application of assessment criteria, peer review and linkages to risk management activities.

*[Throughout this document "Governments" also refers to the European Community acting in the sphere of its competence]

(b) Produce guidelines for acceptable exposure for a greater number of substances, based on peer review and scientific consensus distinguishing between health-based exposure limits and those relating to socio-economic factors.

(c) Give high priority to hazard assessment of chemicals, i.e. of their intrinsic properties as the appropriate basis for risk assessment.

(d) Review strategies for assessment of exposure and environmental monitoring to allow for the best use of available resources, to ensure compatibility of data and to encourage coherent national and international strategies for exposure assessment.

(e) Promote mechanisms to increase collaboration amongst government, industry, academia and relevant NGOs, involved in the various aspects of risk assessment of chemicals and related processes, in particular promoting and coordinating research activities to improve understanding of the mechanisms of action of toxic chemicals.

(f) Improve methods for assessment of chemicals for work towards a common framework for risk assessment and improve procedures for using toxicological and epidemiological data to predict the effects of chemicals on human health and the environment, in order to enable decision makers to adopt adequate policies and measures to reduce hazards posed by chemicals.

(g) Develop criteria for priority-setting of chemicals of global concern for assessment.

(h) Promote research on and validation of methods to those using test animals, thus replacing the use of animals for testing purposes.

(i) Promote relevant epidemiological studies with a view to establishing a cause-effect relationship between exposure to chemicals and the occurrence of certain diseases.

(j) Generate data necessary for assessment building on ,inter alia, IPCS, (UNEP, WHO, ILO), OECD and EC programmes. Industry should participate actively.

(k) Encourage the development of procedures for countries to exchange with other countries' assessment reports on chemicals for use in national chemical assessment programmes.

(l) Strengthen research for substitution of toxic chemicals.

[The implementation by developing countries of specific programmes and actions envisaged under Agenda 21 will be subject to the provision of adequate new and additional

financial resources and of technology on concessional, preferential and non-commercial terms.

Proposals for means of implementation will include the following heading:

- Financing and cost evaluation
- Scientific and technological means
- Human resources development
- Building capacity of developing countries for preventive and corrective action in the field of environmental protection and promotion of development]

B. HARMONIZATION OF CLASSIFICATION AND LABELLING OF CHEMICALS

Basis for Action

15. Adequate labelling of chemicals, based on assessed risks to health and environment, is the simplest and most efficient way of indicating how to handle and use chemicals safely.

16. For the safe transport of dangerous goods, including chemicals, a comprehensive scheme elaborated within the UN system is in current use. This scheme takes mainly into account the acute hazards of chemicals..

17. Globally harmonized classification and labelling systems are not yet available to promote the safe use of chemicals at the workplace, in the home,etc. Classification of chemicals can be made for different purposes and is a particularly important tool in establishing labelling systems.

18. [IPCS, in consultation with other concerned bodies, should initiate the process of harmonizing existing classification systems.]

Objective

19. A globally harmonized classification and labelling system including easily understandable symbols [should] be available by the year [2000].

Activities

20. International bodies including, inter alia, IPCS (UNEP,ILO and WHO), FAO, and with the cooperation of IMO, OECD and EC [should] establish a coordinating group to:

(a) Make comparative studies of existing classification and labelling systems as a starting point for establishing general principles for a globally harmonized system.

(b) draft proposals for standardization of hazard communication terminology and

symbols in order to enhance risk management of chemicals, facilitate international trade and make it easier to translate the information into the end user's language:

(c) elaborate a harmonized classification and labelling system.

21. Relevant international organizations and Governments [should urgently]:

- Finalize and establish a harmonized classification and labelling system for use in all UN languages [including adequate pictograms]. Such a labelling system should not lead to the imposition of unjustified trade barriers.

[The implementation by developing countries of specific programmes and actions envisaged under Agenda 21 will be subject to the provision of adequate new and additional financial resources and of technology on concessional, preferential and non-commercial terms.

Proposals for means of implementation will include the following heading:

- Financing and cost evaluation
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- Human resources development
- Building capacity of developing countries for preventive and corrective action in the field of environmental protection and promotion of development]

C. INFORMATION EXCHANGE ON TOXIC CHEMICALS AND CHEMICAL RISKS

Basis for action

22. The London guidelines are addressed to governments with a view to assisting them in the process of increasing chemical safety in all countries through the exchange of information on chemicals.

23. The export to developing countries of chemicals which have been banned in one or more countries or whose use has been severely restricted in some industrialized countries has been the subject of concern as some importing countries lack the ability to assure safe use, due to inadequate infrastructure for controlling the availability, storage, formulation and disposal of chemicals.

24. In order to address this issue provisions for Prior Informed Consent (PIC) procedures were introduced in 1989 in the " London Guidelines for the exchange of information on chemicals in International Trade"(UNEP/IRPTC) and in the "International Code of Conduct on the Distribution and Use of Pesticides" (FAO). In addition a joint FAO/UNEP programme has been launched for the operation of the PIC procedures for chemicals

including the selection of chemicals to be included in the PIC procedure and preparation of PIC decision guidance documents. The ILO chemicals convention calls for communication between exporting and importing countries when hazardous chemicals have been prohibited for reasons of safety and health at work. [Within the GATT framework, negotiations are being pursued with a view to create a binding instrument on products banned or severely restricted in the domestic market].

Objective

25. Intensified exchange of information on chemical safety between all involved parties

26. Full implementation of the Prior Informed Consent procedure [including mandatory applications through legally binding instruments] contained in the amended London Guidelines and in the FAO International Code of Conduct by the year [2000].

Activities

27. Governments and industries of countries exporting chemicals as well as international organizations [should]:

(a) provide knowledge and information on restricted or banned chemicals to importing countries to enable them to judge and take decisions on whether to import and how to handle these chemicals and establish joint responsibilities in trade of chemicals between importing and exporting countries.

(b) Establish technical cooperation with and provide information to other countries, especially those with shortages of technical expertise, including training in the interpretation of relevant technical data, e.g. data provided through the FAO/UNEP joint programme on PIC (Decision Guidance Documents) and those submitted by industry or by other sources.

(c) [Invite UNEP and FAO to work expediously towards the conclusion of the necessary legally binding instrument]

Strengthen international institutions and networks such as the IRPTC, responsible for information exchange on toxic chemicals.

Improve database information systems on Toxic Chemicals, including emission inventory programmes, through provision of training as well as soft- and hardware and other facilities.

(d) Cooperate in strengthening and expanding the network of designated national authorities and establish a technical exchange programme to produce a core of trained personel within each participating country.

28. UN organizations should provide all information material on toxic chemicals in all

UN languages.

[The implementation by developing countries of specific programmes and actions envisaged under Agenda 21 will be subject to the provision of adequate new and additional financial resources and of technology on concessional, preferential and non-commercial terms.

Proposals for means of implementation will include the following heading:

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D. ESTABLISHMENT OF RISK REDUCTION PROGRAMMES

Basis for Action

29. There are often alternatives to hazardous chemicals currently in use. Thus risk reduction can sometimes be achieved by using other chemicals or even non-chemical methods. The classical example of risk reduction is the substitution of harmless or less harmful substances for harmful ones. Setting standards for chemicals in each environmental media, food, consumer goods, etc, is another example of risk reduction. In a wider context risk reduction involves international approaches to reduce the risks of selected chemicals taking into account the entire life cycle of the chemicals. Such approaches could encompass both regulatory and non-regulatory measures including, inter alia, the promotion of the use of cleaner products and technologies, product labelling, use limitations, and the phasing out or banning of chemicals.

30. In the agricultural area, integrated pest management including biological control is one way of risk reduction.

31. Other areas of risk reduction encompass the prevention of chemical accidents, prevention of poisoning by chemicals and the undertaking of toxicovigilance and coordination of clean-up and rehabilitation of areas damaged by toxic chemicals.

Objective

32. To eliminate unreasonable risks and reduce risks to the extent economically feasible, posed by chemicals employing a broad-based approach, involving a wide range of risk reduction options and by taking precautionary measures.

Activities

33. Governments [should]:

(a) Adopt policies based on the pollution preventions and the lifecycle approach to chemical management, covering manufacturing trade, use and disposal.

(b) [Adopt policies and legal frameworks and procedures to identify, regulate and minimize the use of hazardous chemicals, by substitution, severely restricting the use, and phasing out of the production and use, as a priority for those chemicals which are on the prohibition lists of international conventions, in particular asbestos materials and organohalogen compounds.]

(c) Carry out national reviews of earlier accepted pesticides and reviews of the possible substitution of other pest-control methods, particularly for pesticides which are toxic-persistent and/or bio-accumulative.

(d) Encourage national and regional work to harmonize evaluation of pesticides.

(e) Increase efforts to identify national needs for standard setting and implementation in the context of the FAO/WHO Code Alimentarius in order to minimize adverse effects of chemicals in food.

(f) Develop national policies and adopt the necessary regulatory framework for prevention of accidents (land use, planning, permit systems, reporting requirements on accidents, etc.) and work with UNEP's international directory of regional response centres and APPEL programme.

(g) Cooperate in the development of chemical risk communication guidelines at the national level to promote information exchange with the public.

(h) [Develop programmes including research, to replace toxic chemicals with alternative clean production substitutes, and especially such toxic chemicals for which there is reason to believe that their use may need to be restricted or banned, including the ones which are on the prohibition list of international conventions, in particular asbestos material and organohalogen compounds]

(i) Collaborate to developed common criteria to determine which chemicals are suitable candidates for concerted risk reduction activities.

(j) Undertake concerted activities to reduce risks of selected chemicals, taking into account the entire life cycle of the chemicals. These activities could encompass both regulatory and non-regulatory measures including: the promotion of the use of cleaner products and technologies, emission inventories; product labelling; use limitations, economic incentives; and the phase out or banning of chemicals.

(k) Reduce in the over-dependence on the use of agricultural chemicals through alternative farming practices, integrated pest management or other appropriate means.

(l) Develop policies for manufacturers, importers and others using toxic/hazardous chemicals to disclose toxicity information declaring risks and emergency response arrangements;

(m) [Require] manufacturers, importers and others using toxic/hazardous chemicals to develop emergency response procedures and preparation of on-site and off-site emergency response plans.

(n) Encourage large industrial enterprises including transnational corporations and other enterprises to introduce policies and commitment to adopt equivalent or not less stringent standards of operation, as in the country of origin.

(o) [Prohibit the exporting of chemical products, the sale of which is banned in the state of origin].

(p) Identify, assess, reduce, and minimize, or eliminate as far as feasible by environmentally sound disposal, risks from storage of outdated chemicals.

34. Industries [could]:

(a) [Develop an internationally agreed upon code of principles for the management of trade in chemicals].

35. International organizations [could]:

(a) Formalize networks of emergency response centres.

(b) Promote technology that would minimize the use of hazardous chemicals and processes in all countries.

(c) Promote exchange of information on national and regional activities to reduce the risks of chemicals.

(d) Coordinate concerned risk reduction activities.

(e) [Promote and develop legal instruments and mechanisms to phase out the production and use of asbestos materials, formulating programmes to substitute them for safer alternative].

[The implementation by developing countries of specific programmes and actions envisaged under Agenda 21 will be subject to the provision of adequate new and additional

financial resources and of technology on concessional, preferential and non-commercial terms.

Proposals for means of implementation will include the following heading:

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E. STRENGTHENING OF NATIONAL CAPABILITIES AND CAPACITIES FOR MANAGEMENT OF CHEMICALS

Basis for Action

36. Many countries lack national systems to cope with chemical risks. In several countries with systems in place there is an urgent need to make the systems more efficient.

37. Basic elements for national sound management of chemicals are: (i) adequate legislation; (ii) information gathering and dissemination; (iii) capacity for risk assessment and interpretation; (iv) establishment of risk management policy; (v) capacity for implementation and enforcement; (vi) capacity for rehabilitation of contaminated sites and poisoned persons.

38. As management of chemicals takes place within a number of sectors, related to various national ministries, experience suggests that an interministerial coordinating mechanism is essential.

Objective

39. National systems for environmentally sound management of chemicals including legislation and provisions for implementation and enforcement should be in place in all countries to the extent possible by the year [2000].

Activities

40. International organizations [should]:

(a) Prepare guidelines with advice and check lists for enacting, legislation in the chemical safety field.

(b) [Support countries, particularly developing countries, to develop and further strengthen national legislation and its implementation.]

(c) [Build on past, present and future risk assessment works at international level, to support countries, particularly developing countries to develop and

strengthen risk assessment capabilities at national and regional levels to minimize and when appropriate prevent risk in the manufacturing and the use of toxic and hazardous chemicals.]

(d) Promote full implementation fo UNEP's APPEL programme and in particular the international directory of emergency response centres.

(e) Enhance technical training for developing countries in relation to risk management.

(f) Cooperate with developing countries in the setting up of an institutional mechanism at national level and the development of appropriate tools for management of chemicals.

(g) Arrange at all levels of production and use initiation courses aimed at staff working on chemical safety issues.

(h) Develop mechanisms to make maximum use in countries of internationally available information.

(i) Promote translation where feasible of internationally prepared documents on chemical safety into local languages and support various levels of regional activities related to technology [transfer] and information exchange.

(j) Invite UNEP to develop, agree to, and implement guiding principles for accident prevention, preparedness and response for governments, industry and the public, building on the OECD and ECE work in this area.

(k) Establish programmes which provide the public with information about chemical stockpiles environmentally safer alternatives and emissions.

(l) To cooperate with developing countries in strengthening their institutional and regulatory capacities in order to prevent illegal international traffic in toxic and dangerous products and wastes.

41. Governments [should] at national level:

(a) [Establish an interministerial coordinating mechanism, presided over by a senior member of the government, to provide liaison between all parties involved in chemical safety activities (e.g. agriculture, education, industry, labour, health, transportation, police, civil defense, economic affairs, research institutions, poison control centres).]

(b) Direct information campaigns to the general public to increase the awareness of problems on chemical risks including programmes providing information about chemical stockpiles, environmentally safer alternatives and emission inventories which could also be a tool for risk reduction.

(c) In conjunction with IRPTC, establish national registers and databases for chemicals.

(d) Develop an institutional mechanisms for the management of chemicals.

(e) [Develop networks of emergency response centres, including poison control centres].

(f) Develop national and local capabilities to respond to accidents by full implementation of the APELL and similar programmes and regularly tested and updated emergency plans consistent with the OECD guiding principles on accident prevention, preparedness and response, where appropriate.

(g) Organize, in collaboration with industry and trade unions, training programmes in management of chemicals, including emergency response, targeted at all levels.

(h) In cooperation with industry develop emergency response procedures, identifying necessary means and equipment in industries and plants to reduce impacts of accidents.

(i) [Adopt legislation to prevent illegal international traffic in toxic and dangerous products and wastes and to strengthen institutional capacities for this purpose.]/[Employ measures, primarily in the area of enforcement, to prevent the illegal international traffic in toxic and dangerous products and wastes and strengthen institutional capacities for this purpose.]

[The implementation by developing countries of specific programmes and actions envisaged under Agenda 21 will be subject to the provision of adequate new and additional financial resources and of technology on concessional, preferential and non-commercial terms.

Proposals for means of implementation will include the following heading:

- Financing and cost evaluation
- Scientific and technological means
- Human resources development
- Building capacity of developing countries for preventive and corrective action in the field of environmental protection and promotion of development]]

CIRCULATION INTERNATIONALE ILLÉGALE DE PRODUITS ET DE DÉCHETS TOXIQUES DANGEREUX

RÉSUMÉ

Il y eut un débat relativement court à ce sujet avec les pays africains qui cherchaient à souligner son importance dans le sens que toute circulation est illégale en vertu de la Convention de Bamako. Cela a entraîné l'inclusion dans l'annexe IV du document relatif aux décisions finales couvrant toutes les questions de déchets, et traitant des produits chimiques toxiques, d'un paragraphe faisant appel aux organismes internationaux en vue de coopérer avec les pays en voie de développement (ce qui a été modifié par rapport à la proposition originale qui était : «fournir une aide aux pays en voie de développement») en renforçant les capacités institutionnelles et réglementaires pour empêcher la circulation illégale de produits et déchets toxiques.

On avait aussi inclus deux options (mises entre parenthèses) pour un plan d'action des gouvernements nationaux en vue d'empêcher la circulation illégale. Ces deux options sont compatibles avec les objectifs canadiens, mais une discussion complémentaire sera nécessaire avant que le Canada puisse en connaître les répercussions finales.

Documentation

A/CONF.151/PC/88	-	*Background Document* (Document d'information)
A/CONF.151/PC/WG.II/L.21/Rev.1	-	*Decision Document on all Wastes/Toxics Issues* (Document relatif aux décisions finales sur toutes les questions de déchets et de produits toxiques)
Annexe IV au L.21/Rev.1 (Voir documentation sur les produits chimiques toxiques)	-	*Revised Draft Options for Agenda 21* (Ébauche révisée Options pour Agenda 21 (le Plan d'action pour le XXI[e] siècle)

DISCUSSION DU PREPCOM

Les objectifs canadiens :

- Appuyer le principe selon lequel la circulation illégale constitue une activité criminelle;

- Appuyer l'élaboration de mesures juridiques et administratives appropriées pour faire observer les règlements intérieurs.

Un débat relativement court s'est déroulé à ce sujet. Les pays africains (le Bénin, la Mauritanie, le Lesotho) ont répété l'importance de la Convention de Bamako; la Mauritanie a fait remarquer que le concept de ce qui est «illégal» peut être mal interprété, car en vertu de la Convention de Bamako, toute circulation est illégale. Plusieurs délégations ont fait remarquer que bien que l'observation des conventions de Bâle et le développement de conventions régionales ou de protocoles soient importantes, la législation nationale est aussi nécessaire pour renforcer ces conventions et protocoles. Greenpeace International a déclaré que les ententes régionales doivent faire partie et être dans les documents à approuver à Rio et doivent être reflétées dans la Charte de la Terre. La Malaisie a proposé qu'Agenda 21 (le Plan d'action pour le XXI^{e} siècle) comprenne un plan d'action demandant à tous les pays d'introduire une loi nationale pour punir sévèrement tous les criminels pratiquant la circulation illégale de produits dangereux et toxiques.

RÉSULTATS ET ÉVALUATION

La discussion de ce point a entraîné l'inclusion dans les options révisées de l'ébauche d'Agenda 21 traitant des produits chimiques toxiques (Annexe IV à A/CONF.151/PC/WG.II/L.21/Rev.1) d'un alinéa (40(l)) faisant appel aux organismes internationaux en vue de coopérer avec les pays en voie de développement pour renforcer leurs capacités institutionnelles et réglementaires afin d'empêcher la circulation illégale. La proposition originale renfermait la phrase «aider les pays en voie de développement». Tous les secteurs de programme de l'annexe IV renferment l'avertissement des pays en voie de développement (entre parenthèses) selon lesquels la mise en oeuvre des plans d'action en vertu d'Agenda 21 dans les pays en voie de développement soit assujettie à la fourniture de ressources financières nouvelles et additionnelles.

On a aussi inclus dans l'annexe IV le point du paragraphe 41(i) renfermant deux options entre parenthèses selon lesquelles les gouvernements nationaux pourraient empêcher la circulation illégale. L'un fait appel à l'adoption d'une législation

pour empêcher la circulation illégale de produits toxiques et dangereux et de déchets et l'autre précise l'utilisation de mesures d'observation pour empêcher la circulation internationale illégale des produits. Ces deux options comprennent la nécessité de renforcer les capacités institutionnelles dans ce but.

En principe, cette décision est conforme aux deux objectifs du Canada, mais une discussion plus approfondie sera nécessaire à la réunion du PrepCom IV avant de supprimer les parenthèses.

A/CONF.151/PC/WG.II/L.21/Rev.1
4 September 1991
Original: ENGLISH

PREPARATORY COMMITTEE FOR THE UNITED NATIONS
CONFERENCE ON ENVIRONMENT AND DEVELOPMENT
Third session
Geneva, 12 August-4 September 1991
Working Group II
Agenda item 4

ENVIRONMENTALLY SOUND MANAGEMENT OF WASTES, PARTICULARLY HAZARDOUS WASTES, AND OF TOXIC CHEMICALS, AS WELL AS PREVENTION OF ILLEGAL INTERNATIONAL TRAFFIC IN TOXIC AND DANGEROUS PRODUCTS AND WASTES

Revised draft decision submitted by the Chairman

The Preparatory Committee,

1. Welcomes the reports of the Secretary-General of the Conference on Environmentally Sound Management of Wastes, particularly Hazardous Wastes and of Toxic Chemicals, as well as Prevention of Illegal International Traffic in Toxic and Dangerous Products and Wastes concerning the background documents (A/CONF.151/PC/74, A/CONF.151/PC/75, A/CONF.151/PC/76, A/CONF.151/PC/88) and the Options for Agenda 21 (A/CONF.151/PC/42/Add.8-10);

2. Requests the Secretary-General of the Conference to submit at its fourth session, the annex to this decision as contained in documents A/CONF.151/PC/WG.II/L.19 and Add.1-3, as revised, during the informal consultations at the third session;

3. Requests the Secretary-General of the Conference to submit to the Preparatory Committee at its fourth session for its consideration revised options for Agenda 21 indicating the origins of proposals, when they reflect the results of expert meetings, taking into account:

(a) The debate and the relevant decisions taken at this session including on the format of Agenda 21 and means of implementation as contained in document A/CONF.151/PC/L.42.

including for prevention, minimisation + management of hazardous wastes

(b) The results of the UNEP ad hoc meeting of government-designated experts to consider the draft elements for a possible international strategy and action programme, including technical guidelines for environmentally sound management of hazardous wastes, planned to be held before the end of 1991.

(c) The results of the ad hoc meeting of government-designated experts to be convened by UNEP in association with the IPCS which will consider proposals for an intergovernmental mechanism for risk assessment and management of chemicals and which is to be held in London by mid-December 1991.

[PROGRAMME AREA

Promote the safe and environmentally sound management of radioactive wastes through international agreements.

Basis for action

In many parts of the world the amounts of radioactive wastes, including those from nuclear power unites, medical centres, research institutes, industrial facilities, mining operations, etc. are growing, [particularly in industrialized countries], their safe and environmentally sound management, including disposal, is critical, given their characteristics.

Objective

To ensure that radioactive wastes is safely managed and disposed of, with a view to protect human health and the environment.

Activities

Further development of international regulations

1. [To promote policies and practical measures to prevent and minimize generation of radioactive wastes.]

2. [To promote research on transmutation of highly radioactive wastes and the development of environmentally sound technologies in this area.]

3. Governments should strengthen their efforts to implement the Code of Practice for International Transboundary Movement of Radioactive Waste, and, under the auspices of IAEA, keep the question of [the control of] such movements under active review, [including the desirability of concluding a legally binding instrument,] or [and work towards a target date for a legally binding convention] [including protocols on liability, compensation and compulsory insurance]

4. [Governments should invite the London Dumping Convention to replace the current voluntary moratorium on disposal of low-level radioactive wastes at sea by a legally binding ban on such practice] or [Governments should encourage the London Dumping Convention to expedite work to complete studies on replacing the current voluntary moratorium on disposal of low-level radioactive wastes at sea taking into account the precautionary approach, with a view to take a well informed decision on this issue.]

5. [Governments and international organizations should not allow the disposal of high, intermediate and low level radioactive wastes into, under and next to the seabed.]

6. Governments should respect the aims of the Bamako Convention and other relevant regional conventions prohibiting the import of all hazardous wastes, including radioactive wastes.]

GESTION ÉCOLOGIQUEMENT RATIONNELLE DES DÉCHETS RADIOACTIFS

RÉSUMÉ

La troisième réunion du Comité préparatoire (PrepCom III) est arrivée à une impasse au sujet des déchets radioactifs. Les pays en voie de développement (et certains pays nordiques) ont insisté fortement pour qu'il y ait un mouvement en vue de la modification du code de pratiques de l'AIEA en un instrument juridique obligatoire ainsi qu'en une interdiction juridiquement obligatoire au sujet du déversement de déchets faiblement radioactifs en mer. D'autres, entraînés par les États-Unis, se sont opposés non seulement à ces propositions mais à l'inclusion de cette question sous quelque forme que ce soit dans Agenda 21 (le Plan d'action pour le XXI[e] siècle) en disant que la question est traitée dans d'autres tribunes et ne doit pas l'être une fois de plus à la CNUED. On n'a obtenu aucune résolution et l'ensemble de la question a été reporté à PrepCom IV.

Documentation

A/CONF.151/PC/75	-	*Background Document* (Document d'information)
A/CONF.151/PC/WG.II/L.21/Rev.1	-	*Decision Document on all Wastes/Toxics Issues* (Document relatif aux décisions finales sur toutes les questions de déchets toxiques)
Annexe I à L.21/Rev.1	-	*Revised Draft Options for Agenda 21* (Ébauche révisée d'options pour Agenda 21

DISCUSSION PREPCOM

Les principaux objectifs du Canada pour PrepCom III étaient les suivants :

- Appuyer le code de pratique de l'Agence internationale de l'énergie atomique (AIEA) au sujet de la circulation internationale des déchets radioactifs;

- Encourager l'harmonisation des procédures de la Convention de Bâle et du code de pratique international de l'AIEA.

Au cours des deux première semaines du PrepCom III, il y a eu un court débat général à ce sujet suite à une présentation verbale d'un représentant de l'Agence internationale de l'énergie atomique (AIEA). PrepCom II avait invité l'AIEA à présenter un rapport informel à PrepCom III à ce sujet, en particulier concernant la mise en oeuvre du code de pratique de l'AIEA pour la circulation transfrontière internationale des déchets radioactifs. Toutefois, le représentant de l'AIEA a fait remarquer qu'il n'avait pas suffisamment de contributions des États membres pour évaluer actuellement l'incidence du code de pratique et qu'un rapport positif doit être disponible pour PrepCom IV.

Faits saillants des interventions :

- de nombreux pays en voie de développement (Barbade, Samoa, Malaisie, Ouganda, Pakistan, Guinée) ont exprimé fortement leur inquiétude au sujet du déversement des déchets radioactifs, particulièrement en mer;

- certaines délégations ont demandé une interdiction de la circulation transfrontière de déchets radioactifs; des états africains ont cité la Convention de Bamako comme nécessaire pour conserver les déchets radioactifs hors de leur continent;

- certaines délégations (Malaisie) étaient partisantes d'accorder un statut juridique au code de pratique; la Norvège a déclaré que ce code doit être la base d'une convention internationale du genre de celle de Bâle. D'autres cependant s'y sont opposés en citant la nécessité d'une expérience plus approfondie du code avant de s'engager sur la voie de la convention;

- plusieurs délégations ont déclaré que la question des déchets radioactifs doit faire partie intégrante d'Agenda 21.

Ensuite, un petit groupe de rédaction de proejt s'est réuni pour examiner un bref document préliminaire du secrétariat déterminant la gestion sécuritaire et écologiquement rationnelle des déchets radioactifs comme secteur de programme d'Agenda 21. Le groupe s'est rapidement polarisé lorsqu'il devint apparent que les États-Unis accepteraient seulement le libellé le plus innocent possible (préférant que la question ne soit pas examinée du tout dans le cadre d'Agenda 21) et que les pays en voie de développement, de concert avec les pays nordiques, insistaient sur le fait que la question était des plus critiques pour l'Agenda 21.

La proposition la plus litigieuse était celle du déversement des déchets de faible niveau radioactif en mer; le texte préliminaire demandait aux gouvernements d'inviter la Convention de déversement de Londres à examiner le remplacement du moratoire volontaire actuel par une interdiction légalement obligatoire. Un autre énoncé moins direct (les gouvernements encourageant la Convention de déversement de Londres à accélérer les travaux pour terminer les études en vue d'envisager le remplacement du moratoire volontaire par une interdiction) était inacceptable pour tout le monde, soit parce qu'il n'était pas suffisamment sévère pour certains soit parce qu'il était trop sévère pour les États-Unis, le Japon et le pays de la CE. Le président a proposé que les délégations consultent leur gouvernement pour voir si un compromis pourrait être atteint; les États-Unis ont répondu que sans aucun doute ils demanderont que tout le texte soit entre parenthèses.

Dans les consultations informelles du groupe de travail complet, le texte qui est ressorti du travail du groupe de rédaction de projet n'a pris que cinq minutes de discussion : tout le texte est simplement resté entre parenthèses pour être examiné à PrepCom IV.

RÉSULTATS ET ÉVALUATION

PrepCom III s'est soldée par une impasse pour la question des déchets radioactifs. Il est bien évident que les pays en voie de développement et certains pays industrialisés ne sont pas heureux du manque d'attention accordée à cette question. Bien que certains d'entre eux soient prêts à reconnaître qu'une attente des résultats des études en cours à la Convention de déversement de Londres soit raisonnable, ce qui est moins acceptable c'est de n'avoir aucune mention de la question des déchets radioactifs eux-mêmes dans le cadre d'Agenda 21.

Cette question va vraisemblablement être débattue de façon beaucoup plus intense lors de PrepCom IV étant donné que l'on prévoit que l'AIEA aura un rapport plus complet à sa disposition à ce moment-là. À moins que les positions ne se soient assouplies et qu'une volonté de compromis ne s'élabore pour la prochaine réunion du PrepCom, il est difficile de voir comment cette question sera réglée.

OCÉANS

RÉSUMÉ

Les sujets traités au cours des discussions complexes relatives aux océans comprenaient : le rôle de la Convention des Nations-Unies sur le droit de la mer (CNUDM) comme cadre de travail principal pour l'étude des questions relatives aux océans; la pollution marine (surtout à partir de sources terrestres); la conservation et la gestion des ressources marines vivantes, y compris des questions telles que la pêche aux filets dérivant et la chasse à la baleine; la gestion des zones côtières; le développement régional, y compris le développement des capacités nécessaires dans les pays en voie de développement; l'Antarctique; la biodiversité marine et les mécanismes institutionnels (y compris les systèmes d'observation pour la surveillance des incertitudes critiques et les changement climatiques).

À la suite d'intenses négociations au cours des deux premières semaines de la réunion du Comité préparatoire (PrepCom III) et de longs débats de procédure au cours de la dernière semaine, les délégués ont décidé de demander au secrétariat de la CNUED de préparer une compilation de documents fondée principalement sur deux propositions préliminaires : le texte du président (L.18), représentant une compilation de points de vue traitant de tous les sujets et une présentation commune de plusieurs délégations (L.24) qui subdivisent la section des ressources marines vivantes du document L.18 en sections distinctes portant respectivement sur la haute mer et sur la juridiction nationale. La nouvelle compilation identifiera les paragraphes qui proviennent du document original (PC/42/Add.6) du secrétariat et les propositions des pays, individuels ou regroupés, compte tenu de ce qu'une bonne partie du libellé de L.18 contient un libellé qui est fondamentalement inacceptable par certains pays (p. ex. : la proposition de la Malaisie qui, contrairement au traité de l'Antarctique, considère que l'Antarctique doit être un héritage commun de l'humanité; ou la proposition de la Nouvelle-Zélande visant un moratoire de dix ans sur la pêche à la baleine). Le point de vue général est que le texte des océans a fait l'objet de nombreux travaux valables et que les délégations sont prêtes à négocier lors de PrepCom IV.

Documentation

A/CONF.151/PC/42/Add.6 - *Options for Agenda 21: Report of the Secretary General* (Options pour Agenda 21, le Plan d'action pour le XXI[e] siècle : Rapport du secrétaire général)

A/CONF.151/PC/69	-	*Background Document* (Document d'information)
A/CONF.151/PC/70	-	*Land-based Sources of Marine Pollution* (Sources terrestres de pollution marine)
A/CONF.151/PC/71	-	*Global Ocean Observing System (GOOS)* (Système mondial d'observation des océans)
A/CONF.151/PC/72	-	*Environmental Assessment of the Gulf Crisis* (Évaluation environnementale de la crise du Golfe)
A/CONF.151/PC/WG.II/L.16	-	*Draft Proposals by 16 Countries on the Conservation and Management of Living Resources of the High Seas* (Ébauche de propositions de 16 pays sur la conservation et la gestion des ressources vivantes en haute mer)
A/CONF.151/PC/WG.II/L.18	-	*Draft Decision and Annex (Chairman's Working Paper) Proposed by the Bureau* (Ébauche de décision et annexe, document de travail du président, proposée par le bureau)
A/CONF.151/PC/WG.II/ L.22/Add.1/Rev.1	-	*Decision and Annex (Land-Based) Sources of Marine Pollution* (Décision et annexe sources terrestres) (Sources de pollution marine)
A/CONF.151/PC/WG.II/L.24	-	*Proposals by Some Delegations on Management of High Seas Marine Living Resources* (Propositions de certaines délégations sur la gestion des ressources marines vivantes en haute mer)

DISCUSSION DU PREPCOM

Les principaux objectifs canadiens sont les suivants :

- présenter un rapport au sujet des résultats de la réunion de Halifax concernant les sources terrestres de pollution marine (STPM) et s'assurer que PrepCom III fournisse une orientation à la prochaine réunion de suivi organisée par la PNUE plus tard en 1991;

- faire le lobbying des délégués pour appuyer le document de San Diego/New York relatif à «La conservation et la gestion des ressources vivantes en haute mer : principes et mesures d'un régime efficace fondé sur la Convention du

droit de la mer» et assurer son inclusion dans le texte relatif aux océans d'Agenda 21 (le Plan d'action du XXIe siècle) et;

- surveiller les discussions dans d'autres secteurs d'intérêt, par exemple, le droit de la mer, la gestion des zones côtières, les institutions, la pêche baleinière et l'Antarctique.

Le Canada a présidé les groupes de contact informel pour la pollution marine et les ressources marines vivantes et a rédigé les sections pertinentes du document L.18. Le Canada a aussi participé activement à des discussions traitant du droit de la mer, de la gestion des zones côtières et des institutions.

Il y eut environ 55 interventions de délégations, d'organismes internationaux et non gouvernementaux. La plupart des observations portaient sur ce qui suit : le rôle de la Convention sur le droit de la mer comme cadre de travail principal pour l'étude des questions relatives aux océans, y compris la gestion des ressources vivantes de haute mer ainsi que la protection de l'environnement marin; les sources terrestres de pollution marine; la conservation et la gestion des ressources vivantes de haute mer, y compris des questions telles que la pêche au filet dérivant et la chasse à la baleine; la gestion des zones côtières et le renforcement des programmes régionaux, y compris le développement des capacités dans les pays en voie de développement. Il y eut aussi des échanges notables au sujet de l'Antarctique, de la biodiversité marine et des mécanismes institutionnels.

<u>Rôle de la Convention des Nations-Unies sur le droit de la mer (CNUDM)</u>

La plupart des délégations ont souligné que la CNUDM est le cadre principal de travail pour traiter de la protection et de la gestion des océans et de leurs ressources. Les Pays-Bas, parlant au nom de la Communauté européenne, ont déclaré que les propositions de plan d'action relatif aux océans ne doivent pas mettre en péril les dispositions de la convention ni être en conflit avec celles-ci. De nombreuses délégations, en particulier celles des pays en voie de développement et certains organismes non gouvernementaux, tels que l'Institut international des océans (IIO) et le Comité consultatif sur la protection de la mer ont souligné que la Convention des Nations-Unies sur le droit de la mer doit être ratifiée aussitôt que possible; certains ont ajouté qu'en effet cela devrait être fait avant la conférence de la CNUED en 1992. Les États-Unis et le Royaume-Uni ont exprimé l'espoir qu'on arriverait dans l'une des sections de la convention à une solution pour les questions en suspens ; les États-Unis ont ajouté en outre que la convention a réglé de nombreux problèmes relatifs aux obligations juridiques et permet d'établir un équilibre entre les états et leurs intérêts dans les océans.

Les délégations du Canada, du Chili, de la Gambie et de la Nouvelle-Zélande ont déclaré qu'on a besoin de nouvelles méthodes de gestion des océans s'appuyant sur la

Convention des Nations-Unies et sur le droit de la mer et les ententes maritimes régionales existantes. Ces délégations ont déclaré qu'elles avaient l'intention de déposer un projet de proposition, rédigé par des spécialistes des états côtiers, au sujet des principes et des mesures d'un régime efficace de conservation et de gestion des ressources marines en haute mer, fondés sur la convention. Les Pays-Bas (CE) ont déclaré que la gestion des pêches en haute mer doit être traitée au niveau régional afin de renforcer de telles dispositions, ce qui est un point de vue partagé par le Japon. Le Royaume-Uni a ajouté que de tels organismes régionaux doivent comprendre les états faisant de la pêche côtière et en haute mer.

Sources terrestres de pollution marine

De nombreuses délégations ont fait la louange de l'initiative canadienne d'avoir accueilli en mai 1991, la réunion de Halifax concernant les sources terrestres de pollution marine. Répondant au rapport du Canada au sujet des résultats de la réunion, les délégations ont déclaré que la prochaine réunion d'experts parrainée par la PNUE d'ici la fin de 1991, doit s'appuyer sur les résultats de Halifax et les recommandations du PrepCom de la CNUED (à la suite des discussions sur les options d'Agenda 21). Des organismes non gouvernementaux tels que Greenpeace ont suggéré que la CNUED se lance dans des négociations menant à une convention mondiale concernant les sources terrestres de pollution marine. Bien que cette proposition ait bénéficié de l'appui tacite des états nordiques et de certains organismes non gouvernementaux tels que le Comité consultatif sur la protection de la mer, ceux-ci et la plupart des grands pays industrialisés (CE, É.-U. Japon) ont déclaré qu'il n'y avait aucun besoin d'instrument juridique de cette sorte mais que les réunions de spécialistes en sources terrestres de pollution marine pourraient élaborer une stratégie complète ou un plan d'action pour traiter des sources terrestres de pollution marine et de la gestion intégrée des zones côtières (y compris la protection et la conservation des ressources marines vivantes) en tenant compte du fait que les zones côtières varient d'une région à l'autre. Une telle stratégie pourrait s'appuyer sur les directives de 1985 de la PNUE et renforcer les programmes régionaux existants relatifs à la mer.

Le délégué suédois a fait remarquer que l'expression sources terrestres de pollution marine ne tenait réellement pas compte de la dégradation des écosystèmes côtiers (récifs de corail, mangroves, etc.) par des activités humaines le long du littoral. Il a suggéré que l'expression plus étendue de «dégradation par des activités terrestres» tiennent compte de la dégradation résultant à la fois des effluents et de l'activité socio-économique.

Un certain nombre de délégués ont fait remarquer que le moyen d'assurer le succès d'une stratégie visant les sources terrestres de pollution marine réside dans le renforcement des programmes locaux, nationaux et régionaux pour l'étude de ce problème grave. Certains pays en voie de développement, y compris les états du

Pacifique sud, l'Algérie, la Barbade, le Brésil, le Chili, le Kenya, la Malaisie et le Mexique et certains organismes non gouvernementaux tels que les «Four Directions» (représentant les peuples indigènes) et l'Institut international des océans ont souligné la nécessité de renforcer les capacités des pays d'atténuer et d'empêcher les sources terrestres de pollution marine, par l'entremise d'un meilleur échange de renseignements et de données et d'une formation ainsi que d'une coopération internationale améliorée dans ces domaines; autrement, les pays en voie de développement ne seront pas en mesure de répondre aux dates cibles recommandées dans le document PC/42/Add.6.

Conservation et gestion des ressources vivantes en haute mer (y compris la pêche à la baleine et la pêche au filet dérivant)

Il y eut un certain nombre d'interventions à ce sujet, qui ont chevauché, dans une certaine mesure, les commentaires relatifs à la Convention des Nations-Unies sur le droit de la mer. Certaines délégations représentant des intérêts de pêche lointaine (p. ex. : la CE et le Japon) ont souligné que les pays ont une responsabilité dans l'élaboration et la gestion des ressources marines vivant en haute mer en se fondant sur les principes convenus par la communauté internationale (et que renferme la Convention des Nations-Unies sur le droit de la mer); la collecte de telles ressources doit être entreprises sur la base de méthodes scientifiques afin de déterminer les stocks et les prises des espèces directes et indirectes. De même, les pays doivent coopérer pour préparer des programmes et des travaux d'observation responsables. Ce principe lui-même a été en général accepté et compris par toutes les délégations aqui ont étudié cette question, mais un certain nombre de délégations ont soulevé d'autres questions, qui ont mené à des échanges intéressants relatifs à la protection et la conservation des ressources marines vivantes.

Le «Four Directions Council and Fishworkers», un groupe représentant les pêcheries artisanales en Afrique, a souligné les droits particuliers des peuples indigènes et des collectivités locales à vivre des ressources marines dans les secteurs côtiers et en haute mer et la nécessité pour la collectivité internationale et les ententes de reconnaître ces droits. Ses deux représentants ont aussi demandé la collaboration internationale et de l'aide afin de promouvoir de telles méthodes écologiquement rationnelles et durables pour la collecte des ressources marines vivantes.

Le commissaire de la Nouvelle-Zélande à la Commission baleinière internationale a proposé que le document PC/42/Add.6 incorpore les principes suivants comme option d'Agenda 21 :

- affirmer la validité de la recommandation de la conférence de Stockholm de 1972 selon laquelle il doit y avoir un moratoire de dix ans sur la pêche à la baleine commerciale et un appel pour sa mise en

oeuvre complète (la chasse à la baleine des aborigènes et de subsistance en serait exempte);

- accueillir favorablement le rapport de la Commission baleinière internationale sur les petits cétacés et prier instamment la Commission baleinière internationale de poursuivre ses travaux et les gouvernements particulièrement préoccupés d'agir promptement sur cette question du Comité scientifique de la Commission baleinière internationale; et

- demander qu'une conférence des Nations-Unies soit réunie d'ici 1995 pour examiner la mécanique internationale destinée à la protection de tous les cétacés ainsi que pour considérer les moyens les plus efficaces pour fournir la recherche, la conservation et la gestion des cétacés au XXI[e] siècle.

L'intervention de la Nouvelle-Zélande a suscité de vives remarques du Danemark, de l'Islande et de la Norvège. Ces délégués ont souligné que la Commission baleinière internationale avait déjà un moratoire sur la pêche à la baleine en vigueur qui, en fait, devait être réexaminé et qu'il ne faudrait pas en juger d'avance; que les statuts de la Commission baleinière internationale sont clairement centrés sur les grands cétacés et qu'il reste encore un vigoureux débat à la Commission baleinière internationale quant aux statuts qui doivent être élargis et, que la Commission baleinière internationale est l'organisme international compétent traitant des baleines, niant ainsi toute nécessité pour l'établissement d'une conférence des Nations-Unies sur la pêche à la baleine. Finalement, ils ont déclaré que la Convention des Nations-Unies sur le droit de la mer qui reconnaît que les ressources marines ne doivent pas être surexploitées, précise aussi qu'elles doivent être utilisées pour le bénéfice de l'humanité. Par conséquent, bien qu'ils appuient la prohibition de la chasse des espèces de baleine en danger, ils sont convaincus que les collectivités côtières et indigènes doivent pouvoir prendre des espèces qui sont florissantes (le Japon a fait remarquer qu'il y avait aussi la nécessité de poursuivre certaines chasses d'espèces de baleine à des fins scientifiques). Ils ont aussi souligné que les efforts en vue de la protection de la baleine doivent être centrés sur la protection et l'amélioration de son habitat plutôt que sur l'interdiction de la chasse étant donné que certaines populations de baleine sont plus appauvries à la suite de la dégradation de l'environnement que par la chasse.

L'Australie, la Nouvelle-Zélande et certains états du Pacifique sud ont soulevé la question de la pêche aux filets dévirants qui a amené une réponse directe du Japon et des observations plus détournées de la Norvège et des États-Unis. Toutes les délégations étudiant cette question ont réaffirmé les dispositions de la résolution 44/225 de l'Assemblée générale sur la pêche à grande échelle au moyen de filet pélagique dérivant. Le Japon a déclaré qu'il a coopéré avec le Canada et les États-Unis en permettant que des observateurs de ces pays se rendent à bord de ses navires de pêche commerciaux à filet dérivant et qu'ils collectent et échangent des données

scientifiques sur les espèces directes et indirectes. Remarquant les «discussions productives» tenues à Sydney (C.-B.) en juin 1991, à laquelle ont participé des spécialistes de l'International North Pacific Fisheries Commission (INPFC) et des observateurs de la Corée, de l'Australie, de la Nouvelle-Zélande, du Pacifique sud et des Nations-Unies, le Japon espérait que la prochaine réunion de l'INPFC (qui doit se tenir à Tokyo en novembre 1991) permettrait aux pays de mieux comprendre l'impact de la pêche au filet dérivant sur les ressources marines vivantes et d'élaborer des mesures de conservation et de gestion plus efficaces.

Les États-Unis ont souligné la nécessité d'éviter les techniques ou pratiques de pêche qui amènent un gaspillage; la Norvège a fait remarquer qu'au lieu de se concentrer sur des techniques de pêche particulières, les efforts devraient être dirigés pour s'assurer des niveaux de prise durables, fondés sur le principe de «gestion des écosystèmes». La Chine a demandé aux pays de mettre en oeuvre des techniques de «pêche écologique», proposition appuyée par l'Australie.

Gestion intégrée des zones côtières

Les délégations des pays industrialisées et en voie de développement ont fait remarquer que, en plus de renforcer les programmes maritimes régionaux, il faudrait accorder une certaine considération à la préparation de principes, de directives et d'activités pour promouvoir une gestion intégrée des zones côtières. Cela englobe des mesures efficaces pour traiter des pollutions terrestres et marines (le Kenya et la Malaisie ont fait référence au problème de s'occuper des eaux usées dans les zones côtières) ainsi que de la promotion environnementale de la gestion saine des pêches et la protection ainsi que l'amélioration des écosystèmes marins locaux. Les Caraïbes, le Pacifique sud (y compris le programme environnemental régional du Pacifique sud), les pays africains (Sénégal, Kenya) et la Malaisie ont tous fait remarquer que le concept de la gestion des zones côtières intégrées était délicat mais ne pourrait être appliqué en pratique dans les pays en voie de développement qu'à condition qu'ils reçoivent l'aide nécessaire pour élaborer et mettre en oeuvre des programmes de gestion côtière. L'organisme «Four Directions» a déclaré que la gestion des zones côtières était essentielle pour assurer aux collectivités indigènes une sécurité alimentaire et la poursuite des activités marines traditionnelles.

Le Venezuela et la Malaisie ont averti les délégués qu'il faut comprendre que la gestion des zones côtières ne doit pas sous-entendre une interférence extérieure dans les droits souverains des pays sur leur zone économique exclusive et aux ressources qu'elles renferment mais plutôt que de tels programmes de gestion seront le moyen par lequel les pays détermineraient les problèmes environnementaux et de développement et les régleraient par la collaboration internationale. La Malaisie a expliqué en outre qu'elle avait conclu une entente avec son voisin, la Thaïlande, en vue de coopérer à la protection et à l'amélioration des ressources marines et de l'environnement partagés par ces deux pays.

Développement des capacités dans les pays en voie de développement

Plusieurs pays en voie de développement ont déclaré que le document PC/42/Add.6 nécessitait des consultations plus approfondies sur les façons dont les pays pourraient coopérer pour le développement des capacités dans les pays en voie de développement. Le Chili a souligné la nécessité d'un meilleur échange d'information et de données, d'une meilleure instruction et d'une meilleure formation. Le Kenya et la Tanzanie ont déclaré que les pays en voie de développement avaient besoin de financement et de technologie; la Chine et la Barbade ont suggéré que le document PC/42/Add.6 révisé doit comprendre le coût de mise en oeuvre de ces propositions et les moyens de financement qui pourraient être mis à la disposition des pays en voie de développement pour les aider. Le Brésil a fait remarquer que les dates cibles de mise en oeuvre des diverses activités mentionnées dans le document PC/42/Add.6 doivent tenir compte des difficultés des pays en voie de développement à pouvoir répondre à de tels objectifs à moins qu'ils ne reçoivent de l'aide.

L'Algérie a déclaré que le document PC/42/Add.6 ne semblait pas adhérer à l'esprit de la résolution 44/228 de l'Assemblée générale des Nations-Unies. Le document semblait sous-entendre que tous les pays sont égaux en ce qui concerne l'observation des obligations environnementales; il ne précisait pas les besoins particuliers des pays en voie de développement et les plus grandes obligations des pays industrialisés à promouvoir un développement durable. Par exemple, le problème des zones côtières dans le sud du bassin méditerranéen n'était pas le même que celui de la côte nord de la Méditerrané et bien qu'il y ait une coopération entre les états de la côte sud, il était aussi important de renouveler la coopération avec les états de la côte nord. Selon l'opinion de l'Algérie, le document PC/42/Add.6 n'étudiait pas réellement le problème des modèles durables de consommation qui ont des répercussions néfastes sur l'environnement marin ou les moyens financiers et technologiques avec lesquels les pays en voie de développement pourraient développer les capacités nécessaires pour traiter de tels problèmes. En bref, le document se lisait plus comme une prescription environnementale que comme un moyen de promouvoir le développement durable.

Les représentants du secrétariat de la CNUED n'étaient pas d'accord avec certains des points de vue de l'Algérie et ils ont déclaré que le document est centré essentiellement sur les moyens par lesquels les pays peuvent utiliser les secteurs marins et côtiers sans détruire leur environnement. Qui plus est, ils ont soutenu que les sections du document ont traité du renforcement international et de la coopération régionale ainsi que du développement des capacités et que d'autres sections du document ont proposé des moyens d'amélioration de gestion des côtes et des mers. La Chine, la Colombie et les Philippines ont suggéré qu'il était nécessaire d'avoir de plus amples consultations sur les «aspects de développement de gestion marine» un point que le secrétariat a entrepris de prendre en considération dans les ébauches suivantes du document.

Antarctique

Citant la décision 1/20 de PrepCom I de la CNUED, la Malaisie a déclaré que le rapport du secrétariat sur l'environnement des régions polaires est «très succinct et trop général et ne fait pas l'objet de la même attention que les autres secteurs couverts par le rapport». Le délégué a répété la position de la Malaisie selon laquelle les Nations-Unies, pas seulement les parties consultatives au traité de l'Antarctique, devaient jouer un rôle dans les délibérations relative aux moyens de protéger l'écosystème fragile de l'Antarctique. Le délégué a demandé à la CNUED d'appuyer l'établissement d'une «réserve naturelle ou d'un parc mondial» y compris un sanctuaire pour les baleines et les dauphins dans l'Antarctique ainsi qu'une station de recherche scientifique qui surveillerait l'écosystème et fournirait des données sur les prévisions de changements climatiques et les accidents environnementaux. La Malaisie a aussi demandé un moratoire sur l'exploitation minière en Antarctique.

L'Allemagne, s'exprimant au nom des parties consultatives au traité de l'Antarctique, a déclaré que les parties avaient déjà fourni à la Malaisie tous les renseignements pertinents au sujet de leurs activités dans l'Antarctique et de leurs politiques environnementales. Le représentant a annoncé qu'un protocole environnemental, complément au traité, a été approuvé en juin 1991 et sera signé à Madrid le 4 octobre 1991. En ce qui concerne les propositions malaysiennes, l'Allemagne a déclaré que le traité constitue la base de gestion des activités dans l'Antarctique; que la résolution 44/228 ne renferme aucun renvoi particulier à l'Antarctique comme secteur prioritaire; et que la CNUED a déjà une charge de travail très difficile à gérer. Finalement, l'Allemagne a demandé la suppression dans les paragraphes 18, 20 et 34 du document PC/42/Add.6 de tout renvoi à l'Antarctique.

La Malaisie a répliqué que bien qu'elle ait aucun intérêt particulier dans l'Antarctique, le fait est que PrepCom I a demandé au secrétariat d'examiner les problèmes environnementaux dans les régions polaires et qu'elle était donc obligée de fournir un rapport complet sur cette question importante. Le délégué a précisé que la CNUED est une conférence concernant les problèmes environnementaux mondiaux et qu'elle doit certainement être en mesure d'étudier des secteurs tels que les régions polaires qui constituent une partie intrinsèque du système écologique mondial, avec ou sans traité.

Biodiversité marine

Cette question a été étudiée par un certain nombre de délégations et ne mérite pas une section distincte dans le document révisé PC/42/Add.6. Elle constituera vraisemblablement une partie clé de la section relative à la gestion intégrée des zones côtières et les révisions au document PC/46/Add.4 relatives à la diversité biologique.

Dans une intervention remarquable, l'Australie a proposé qu'un certain nombre de points concernant la «gestion des zones côtières tropicales» soient incorporés à Agenda 21. Le délégué a énuméré un certain nombre de phénomènes qui menacent de dégrader les écosystèmes marins des tropiques, y compris les changements de température, de climat, de salinité, de circulation d'eau et de rayonnement ultra violet. De même, il a remarqué que des activités humaines, en plus d'entraîner des dégâts directs aux écosystèmes (destruction des récifs de corail et des mangroves), peuvent causer des problèmes connexes de sédimentation et «d'inflorescence» de phytoplancton. En plus de renforcer les ententes internationales et les stratégies pour traiter la dégradation marine causée par des activités terrestres et marines, le délégué a fait remarquer qu'il était nécessaire de faire davantage d'efforts. À cet égard, il a signalé l'initiative de l'Alliance mondiale pour la nature (UICN) (qui est appuyée par Greenpeace) en vue de créer un système représentatif mondial de zones marines protégées. Les buts d'un tel programme seraient :

- de diviser chaque royaume marin en ses principales zones biogéographiques constitutives;
- de déterminer les lacunes dans la représentation des zones marines protégées de ces zones; et
- de proposer des emplacements possibles pour l'établissement de secteurs marins protégés fain de combler ces lacunes.

Cette proposition sera incorporée dans un message de l'Assemblée de l'Alliance mondiale pour la nature qui doit avoir lieu à Caracas en février 1992 et qui sera communiqué et adopté, on l'espère, par la CNUED.

Un certain nombre de pays, dont la Chine, la Colombie, le Sénégal, les Îles Salomon et la Suède, ont fait remarquer qu'une attention particulière doit être accordée aux écosystèmes marins des tropiques. Pour y arriver, on pourrait se servir de programmes marins régionaux qui, selon un certain nombre de délégations telles que celles de la Finlande et du Nigéria, étaient essentiellement conçus pour se concentrer sur les exigences particulières des écosystèmes marins régionaux. La Malaisie et le Chili ont fait remarquer en outre que des écosystèmes étaient parfois des sous-ensembles d'un programme marin régional et que des dispositions bilatérales (ou multilatérales de moindre envergure) étaient nécessaires pour traiter des problèmes particuliers tels que les effluents d'égouts.

Institutions

La plupart des pays qui ont étudié cette question n'appuyaient pas toutes les recommandations que renfermaient les paragraphes 54 à 62 du document PC/42/Add.6. En général, les pays recommandaient que l'on évite de créer de nouvelles institutions ou des superstructures de réglementation. Le Canada, le Chili, la Colombie, la Communauté européenne (et le Royaume-Uni dans une intervention

distincte), le Japon et la Suède ont exprimé des réserves au sujet de la plupart, si ce n'est de toutes les propositions de nouvelles institutions en déclarant que les mécanismes mondiaux permettant de traiter des questions liées aux océans existent déjà ou que des dispositions pour les traiter sont contenues dans la Convention des Nations-Unies sur le droit de la mer. Le Canada, le Japon et le Royaume-Uni ont fait remarquer en outre que les propositions d'institutions devaient tenir compte des délibérations du Groupe de travail III relatives aux grandes exigences de promotion du développement durable. Plusieurs pays africains ont spécifiquement demandé que les pays ratifient la Convention des Nations-Unies sur le droit de la mer pour que des institutions permanentes appropriées puissent être établies aussitôt que possible.

La Colombie, le Mexique et le Venezuela ont déclaré que l'utilisation rationnelle des ressources des océans doit être fondée sur un cadre de travail mondial qui respecte entièrement les ententes internationales établies entre les États, conformément à leurs droits et obligations internationaux; en conséquence, la protection environnementale ne doit pas constituer la base de mesures commerciales unilatérales, mais que les questions de commerce doivent être traitées dans le contexte du GATT.

Plusieurs pays (Finlande, Gambie, Kenya et Suède) se sont exprimés en faveur du renforcement des programmes régionaux; la Suède a déclaré que le mandat du PNUE comprend clairement tous les aspects de la protection environnementale marine.

La Norvège a déclaré qu'elle considérait les propositions d'établissement d'institutions «intéressantes». Le Benin a déclaré qu'il appuyait l'établissement d'un organisme intergouvernemental de haut niveau qui se réunirait périodiquement et convoquerait des organismes compétents des Nations-Unies traitant des questions des océans, de l'environnement et du développement.

Parmi les organismes non gouvernementaux, Greenpeace et IOI ont demandé l'établissement d'un forum mondial de haut niveau pour les océans sous les auspice de l'Assemblée générale des Nations-Unies qui planifierait et coordonnerait les activités liées aux océans entre les organismes intergouvernementaux mondiaux et régionaux. L'IOI a suggéré que le forum soit établi sous forme d'une conférence permanente, des sessions particulières périodiques de l'Assemblée générale ou, s'il y a ratification, sous forme de réunions périodiques des États ayant souscrit à la Convention des Nations-Unies sur le droit de la mer. L'IOI recommande aussi qu'il y ait des réunions périodiques des assemblées régionales relatives aux océans. Le Comité consultatif sur la protection de la mer déclarait que les États doivent coopérer pour élaborer des dispositions appropriées au niveaux mondial et régional fondés sur la Convention des Nations-Unies sur le droit de la mer, les lignes directrices de Montréal, les programmes régionaux marins de la PNUE et la Convention de Paris. Le consortium d'action de protection de l'environnement (CAPE) a défendu l'établissement d'un mécanisme mondial pour coordonner la prévention de la pollution.

RÉSULTATS ET ÉVALUATION

Après la conclusion du débat formel, le président a décidé de réunir sept groupes de contact informels (ressources marines vivantes, pollution marine, gestion des zones côtières intégrées, incertitudes critiques et changements climatiques, institutions, Antarctique et pêche à la baleine) pour faire une refonte du PC/42/Add.6 en un document que les délégations pourraient utiliser ensuite comme base de négociation d'un Agenda 21 relatif aux océans. Le Canada a présidé le groupe des ressources marines vivantes et de la pollution marine et a rédigé la plus grande partie du texte relatif à ces questions contenu dans le document principal concernant les océans, L.18.

Il y eut d'intenses négociations au cours des deux premières semaines pour
a) élaborer un cadre de travail relatif aux océans pour Agenda 21;
b) négocier autant que possible des questions importantes à inclure dans l'ébauche du texte concernant les océans. Les délégations ont dû attendre toutefois les résultats définitifs des délibérations plénières relatives au cadre de travail d'ensemble de l'Agenda 21 et faire le tri de certains problèmes de procédures avant de décider de demander que le secrétariat prépare une compilation pour PrepCom IV, fondée sur les deux ébauches négociées des textes L.18 et L.24 ainsi que les présentations des délégations.

Le texte L.18 à lui seul constituait un document énorme (38 pages, 145 paragraphes avec de nombreux textes entre parenthèses) mais il était considéré comme étant une bonne base pour un ordre du jour innovateur au sujet des océans.

En plus de présider les groupes de contact informels pour les ressources marines vivantes et la pollution marine, le Canada a aussi participé aux groupes traitant de la gestion des zones côtières intégrées (nouvelle ébauche de la Colombie, le Mexique et le Venezuela), les institutions (nouvelle ébauche des Pays-Bas) et les incertitudes critiques ainsi que le changement climatique (nouvelle ébauche de la Barbade et des États-Unis). Le Canada a surveillé mais n'a pas participé aux réunions fortement polarisées concernant l'Antarctique et la pêche à la baleine.

Ressources marines vivantes

La section concernant les ressources marines vivante est légèrement différente des autres documents d'Agenda 21 (mais similaire au document relatif aux forêts) en ce sens qu'il incorpore à la fois des recommandations concrètes (règlements, méthodes de pêche durable, meilleure collecte de renseignements et partage de ceux-ci, etc.) et des principes fondamentaux de conservation et de gestion (fondés sur le document L.16 de San Diego/New York qui est appuyé par environ 16 pays). Quoique le texte de la version actuelle ne jouisse pas de l'appui de la Communauté européenne et du

Japon, de nombreuse délégations ont fait l'éloge de la section relative aux ressources marines vivantes du L.18, pour sa «stratégie directe» pour traiter de problèmes particuliers qui sont survenus au cours de la dernière décennie ainsi que pour mettre en oeuvre de façon efficace les dispositions de la Convention des Nations-Unies sur le droit de la mer.

Le document proposé par plusieurs États latino-américains et autres (L.24) n'apporte aucune modification substantielle à la section de L.18 concernant les ressources marines vivantes, mais partage plutôt la question en deux sections (haute-mer et compétence nationale). Les rédacteurs sont convaincus qu'il y a deux approches juridiques différentes pour traiter des pêches et ils désirent qu'elles soient reflétées dans l'Agenda 21. La Communauté européenne s'oppose vivement à cette division en soutenant que les pêches sont «holistiques» et que les pratiques et règlements de gestion doivent être uniformes dans et à l'extérieur des zones économiques exclusives (un point de vue qui renforce leur cas pour exploiter des stocks que se chevauchent).

On recommande que le Canada et d'autres pays ayant la même opinion envisagent d'agir auprès des délégations résistant le plus à la «nouvelle» approche proposée dans le document L.18 pour essayer de se rapprocher aussi près que possible d'un nouveau consensus sur ces questions.

Les sources terrestres de pollution marine

La section sur la pollution marine fait aussi l'objet de nombreuses louanges pour sa clarté et la façon approfondie dont elle tient compte des aspects environnementaux et de développement du problème. En outre, Prepcom III a adopté les directives (rédigées à l'origine par le Canada) concernant les sources terrestres de pollution marine pour la prochaine réunion parrainée par la PNUE. Le président du Groupe de travail II a hésité au début mais un fort lobbying du Canada auprès du président et des délégations du G-77 hésitant à envisager une «telle question importante à la dernière minute» - et un rappel ferme du récent conseil gouverneur de la PNUE ayant spécifiquement demandé à la CNUED de fournir de telles directives - ont finalement eu du succès l'avant-dernier jour de PrepCom III (cela est contenu dans l'annexe L.22/Add.1/Rev.1).

Gestion des zones côtières intégrées

La section relative à la gestion des zones côtières reflète les désaccord des délégations au sujet de ce qui doit ou ne doit pas être inclus dans le mandat. Pratiquement, bien que toutes les délégations aient vu du mérite dans l'examen de la protection des écosystèmes particuliers (récifs de corail, mangrove, sites de biodiversité particulière), certains pays, notamment l'Argentine, le Chili, la Colombie, le Mexique et le Venezuela étaient fermement convaincus qu'il faudra souligner davantage la coopération scientifique et technique et renforcer les règlements pour protéger de tels écosystèmes. La gestion extérieure des ressources dans les territoires souverains

n'était pas l'objet de la discussion en ce qui les concernait. Cela a amené une observation significative des États-Unis selon laquelle on pourrait voir une situation où des pays devraient conclure «une entente dure s'il y avait lieu» pour protéger des espèces vitales en danger qui migrent d'un zone économique exclusive à une autre (tortues marines) ou pour réduire au minimum des activités qui mettent en danger un écosystème dans une zone économique exclusive voisine.

Institutions

Les propositions du secrétariat au sujet de nouvelles institutions ont été considérées trop ambitieuses par la plupart des délégations et étaient contraire à l'entente générale du PrepCom selon laquelle il ne faut pas de nouvelles institutions. Dans la nouvelle ébauche de la section relative aux institutions dans le document concernant les océans, les Pays-Bas ont donc supprimé les propositions particulières concernant l'établissement d'un nouveau forum et la tenue d'une conférence mondiale relative aux océans. Le représentant des Nations-Unies pour les affaires des océans et le droit de la mer a fait remarquer que si la Convention des Nations-Unies sur le droit de la mer n'était pas ratifiée, les pays devraient décider si le point devrait être inscrit à l'ordre du jour de l'Assemblée générale des Nations-Unies (sixième comité) ou traité dans le cadre d'un autre forum qui pourrait être nouveau. Le représentant de ce pays a ajouté que la même chose s'appliquerait bien sûr si la Convention des Nations-Unies sur le droit de la mer était ratifiée, mais les pays pourraient aussi envisager si les parties devraient former leurs propres organismes de délibération ou de négociation ou maintenir le point à l'ordre du jour du droit de la mer solidement établi dans le système des Nations-Unies et donnant une nature vraiment mondiale aux questions marines. Finalement, certaines délégations ont fait remarquer que différents aspects des océans sont pris en considération dans un certain nombre d'organismes (Assemblée générale des Nations-Unies, Programme des Nations-Unies pour l'environnement, UNESCO/IOC, IMO) et qu'il y a peut-être un besoin soit d'examiner annuellement toutes les questions relatives aux océans dans un seul organisme soit tout au moins d'assurer que les problèmes clés, tels que la pollution marine, soient étudiés dans le cadre d'un forum approprié.

L'utilité d'étudier les propositions institutionnelles originales contenue dans le document PC/42/Add.6 en tentant compte des questions soulevées dans d'autres secteurs (par exemple forêts, eau douce) lors de la séance plénière et dans le Groupe de travail III en vue de faire une présentation cohérente des propositions de réforme ou de revitalisation des institutions provenant du processus de la CNUED est recommandée. À cet égard, le modèle élaboré par l'ACDI pourrait être utilisé pour des discussions à venir.

Incertitudes critiques et changements climatiques

Cette question avait une plus grande priorité pour les petits États îles, qui sont susceptibles de soulever le sujet un peu plus lors de PrepCom IV. On a souligné principalement les liens entre les changements climatiques et l'élévation du niveau de la mer. Les États-Unis ont mit en évidence la nécessité de soutenir l'établissement du système mondial d'observation des océans de l'UNESCO/IOC.

La pêche à la baleine et l'Antarctique

Les discussions au sujet des mammifères marins (baleines) et des régions polaires (Antarctique) se sont avérées une source importante de discorde et ont presque détruit les travaux extraordinaires déjà effectués au document L.18. En ce qui concerne la baleine, le Japon et les pays nordiques (Danemark, Islande et Norvège) ont insisté sur le fait qu'ils ne pouvaient accepter de mention, même entre parenthèses, de la proposition de la Nouvelle-Zélande pour un moratoire de dix ans sur la pêche à la baleine. Ils ont finalement fait machine arrière, mais ont présenté leur propre énoncé sur la nécessité de promouvoir l'utilisation durable de tous les mammifères marins et de réagir à la pollution qui est la vraie cause de la diminution des stocks (et non la chasse à la baleine).

Au sujet de l'Antarctique, les parties au traité se sont réunies plusieurs fois et ont décidé que les propositions de la Malaisie en vue d'établir, entre autres, un parc mondial et une station scientifique parrainée par les Nations-Unies dans l'Antarctique ainsi que les propositions de négociation d'une convention complète au sujet de la conservation et de la protection du continent et de ses ressources étaient absolument inacceptables.

Conclusion

On dépit de nombreux arguments sur ce qui doit ou ne doit pas être contenu dans l'ébauche du texte relatif aux océans (par exemple le fait que la Communauté européenne et le Japon n'acceptent pas fondamentalement la proposition du texte L.24 visant à diviser les ressources marines vivantes en une section sur les hautes-mers et une section sur la compétence des zones économiques exclusives), les délégations ont reconnu que le texte L.18 renfermait de nombreuses sections négociées qui selon elles constituaient une bonne base de consensus.

À la suite de négociations difficiles présidées par le Canada et conclues ensuite par le président Shaib, on a demandé au secrétariat de la CNUED de réorganiser (et non pas de consolider, réviser ou rédiger, comme Shaib l'avait proposé à l'origine) les textes L.18 et L.24 et d'autres présentations de délégations en une «compilation de propositions», les identifiant comme provenant soit des suggestions originales contenues dans PC/42/Add.6 soit des délégations. Suite à l'insistance de, respectivement l'ATCP et la Communauté européenne, il n'y a eu aucune référence aux L.18 et L.24 mais plutôt à leurs titres (ébauche de proposition du président du

23 août 1991 et «proposition de certaines délégations du 27 août 1991»). On recommande que le Canada rédige une lettre aussitôt que possible au secrétariat pour déterminer les paragraphes avec lesquels nous sommes associés et les modifications que nous aimerions voir dans le(s) texte(s) actuel(s).

Les océans (et toutes les autres questions sectorielles) suivront le cadre de travail convenu d'Agenda 21 et élaboré pour la première fois dans les groupes de contact informels pour les océans puis retravaillés à la séance plénière. Il s'agit des points suivants : a) base d'action; b) objectifs; c) activités; i) liées à la gestion; ii) données et information; iii) coopération et coordination internationales et régionales; d) moyen de mise en oeuvre; i) financement et évaluation de coût; ii) moyen scientifique et technologique; iii) perfectionnement des ressources humaines; iv) développement des capacités dans les pays en voie de développement pour une action préventive et corrective dans le domaine de la protection environnementale et la promotion du développement.

Les secteurs de programme à inclure dans le texte relatif aux océans (les parenthèses indiquent des désaccords actuels) : a) gestion intégrée et développement durable des zones côtières, zones économiques exclusives [et écosystèmes marins]; b) protection environnementale marine; c) utilisation durable et conservation des ressources marines vivantes : i) hautes mers, ii) compétence nationale; ou [c) utilisation durable des ressources marines vivantes de haute mer; et d) utilisation durable des ressources marines vivantes sous juridiction nationale]; d/e) étude des incertitudes critiques, la gestion de l'environnement marin et le changement climatique; et e/f) renforcement international, y compris la coopération et la coordination régionales.

PROTECTION OF THE OCEANS, ALL KINDS OF SEAS INCLUDING ENCLOSED AND SEMI-ENCLOSED SEAS, COASTAL AREAS AND THE PROTECTION, RATIONAL USE AND DEVELOPMENT OF THEIR LIVING RESOURCES

Revised draft decision submitted by the Chairman

The Preparatory Committee

1. Takes note with appreciation of the report of the Secretary-General of the Conference on Protection of the Oceans, all kinds of seas including enclosed and semi-enclosed seas, coastal areas and the protection, rational use and development of their living resources (A/CONF.151/PC/69) and the Options for Agenda 21 on the same matter (A/CONF.151/PC/42/Add.6).

2. Invites the intergovernmental meeting of experts on the degradation of the marine environment from land-based sources of pollution and activities in coastal areas to be convened by UNEP in coordination with the UNCED Secretariat and other relevant United Nations organisations to consider the elements and policy considerations as included in the Annex to this decision, taking fully into account United Nations General Assembly Resolution 44/228.

3. Invites the Executive Director of UNEP to report the results of this meeting to the Secretary-General of the Conference to be presented at the fourth session of the Preparatory Committee.

4. Decides to submit for its consideration at its fourth session a compilation document comprised of the outcome of discussions ("Chairman's Working Paper of 23 August 1991" and "some delegations' proposals dated 27 August 1991") and other documents and proposals submitted to the Chairman during the third session.

5. Invites governments to submit any additional comments to the compilation document in writing to the secretariat before 15 October 1991. These proposals will be included in the document to be prepared by the secretariat at its fourth session.

6. Requests the Secretary-General of the Conference to submit to the Preparatory Committee at its fourth session for its consideration revised options for Agenda 21 indicating the origin of proposals when they reflect the results of experts meetings, taking into account:

a) United Nations General Assembly Resolution 44/228

b) The debate and the relevant decisions taken at this session including on the format of Agenda 21 and means of implementation as contained in A/CONF.151/PC/L.49

c) The results of the Meeting of Experts on the Degradation of the Marine Environment from Land-Based Sources of Pollution and Activities in Coastal Areas, to be convened by UNEP.

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PROTECTION OF THE OCEANS AND ALL KINDS OF SEAS, INCLUDING ENCLOSED AND SEMI-ENCLOSED SEAS, AND COASTAL AREAS AND THE PROTECTION, RATIONAL USE AND DEVELOPMENT OF THEIR LIVING RESOURCES

Conservation and management of living resources of the high seas

Principles and measures for an effective regime based on the United Nations Convention on the Law of the Sea

Proposal submitted by Argentina, Barbados, Canada, Chile, Guinea, Guinea-Bissau, Iceland, Kiribati, New Zealand, Peru, Samoa, Soloman Islands, and Vanuatu + Cape Verde Fiji + Senegal

BACKGROUND

1. Pursuant to the United Nations Convention on the Law of the Sea, States fishing on the high seas have three fundamental obligations with respect to the conservation and management of living resources:

(a) To adopt with respect to their nationals measures for the conservation of the living resources (art. 117);

(b) To cooperate with other States in taking such measures (art. 117);

(c) To seek to agree with the coastal States on measures necessary to ensure the conservation of straddling stocks (art. 116 and 63 (2)) and to cooperate in the conservation of highly migratory species (art. 64).

2. Articles 119 and 120 provide obligations ancillary to these fundamental obligations.

3. Experience shows that, while constituting a sound framework, in a number of high seas areas these obligations are not being implemented as intended. In these areas there are problems of unregulated fishing, vessel reflagging to escape controls, harmful fishing practices such as driftnetting, overfishing, lack of surveillance, control and enforcement and, in general, lack of the required cooperation with other States. Resort to these harmful practices is increasing and may spread to other areas of the high seas.

4. It is necessary to identify and achieve international agreement on principles and measures, consistent with the Convention, to eliminate these practices and thus provide for an effective conservation regime on the high seas giving full effect to the Convention's provisions. Following is a proposed list of such principles and measures for inclusion in Agenda 21.

PRINCIPLES

(a) High seas fishing must be carried out only on the basis of sustainable ecologically sound practices, effectively monitored and enforced, in order to ensure conservation and promote optimum utilization of the living resources.

(b) In order to ensure sustained conservation of those resources, fisheries management regimes must effectively maintain the ecological relationship between dependent and associated populations, prevent any decrease in the size of harvested populations below those necessary to ensure their stable recruitment, and avoid adverse impacts or changes in the marine ecosystem.

(c) On the high seas, States fishing a stock which straddles the 200-mile limit of a coastal State, or highly migratory species which are found within that limit, must take all measures necessary to give effect to the special interest and responsibility of the coastal State concerning the portion of the stock outside the 200-mile limit and in the highly migratory species while outside that limit.

(d) High seas fishing must not have an adverse impact on the resources under the jurisdiction of coastal States.

MEASURES

1. State must effectively monitor and control fishing activities of their national, vessels and crews thereof on the high seas to ensure the conservation of the resources, compliance with applicable conservation and management rules, complete and accurate reporting of catches and effort, and avoidance of incidental catch.

2. States must make available to appropriate international organizations all data relating to catches on the high seas as well as scientific data on these catches. States fishing the same stocks must also cooperate through the exchange of such data.

3. States must ensure that vessels authorized to fly their flag comply with the conservation and management rules adopted by competent international organizations or, where no such organization exists, through other international arrangements.

4. States must establish penalties under domestic law, and take legal action against their nationals, vessels and crews thereof, for any violation of rules adopted by competent international organizations or, where no such organizations exist, through other international arrangements, whether such violations are committed directly or through resort to techniques such as the reflagging of vessels in foreign countries. States must take similar action for any violation of domestically instituted conservation and management rules.

5. States whose nationals or vessels fish in the same area of the high seas must cooperate to establish international arrangements or organizations to ensure sustainable and optimally developed fisheries through effective conservation and management regimes, including as appropriate reciprocal inspection and enforcement systems and dispute settlement mechanisms.

6. States must cooperate with competent international organizations or, where such organizations do not exist, through other international arrangements, and ensure that their nationals, vessels and crews thereof, do not violate rules adopted pursuant to such regimes.

7. In areas of the high seas where a management regime has been agreed within the framework of a competent international organization or, where such an organization does not exist, through another international arrangement, States must ensure that high seas fishing is undertaken only in accordance with the conservation and management rules adopted under that organization or arrangement.

8. With respect to a stock occurring both within the exclusive economic zone of a coastal State and in an area of the high seas adjacent to it, the management regime applied to the stock must provide for consistency of the measures applied on the high seas with those applied by the coastal State within its exclusive economic zone.

9. With respect to a highly migratory species, the management regime on the high seas must fully recognize the sovereign rights of the coastal State in its exclusive economic zone and, taking into account the special interest of the coastal State in the species while outside its zone, avoid an adverse impact on the resource within that zone.

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PROTECTION OF THE OCEANS, ALL KINDS OF SEAS INCLUDING ENCLOSED AND SEMI-ENCLOSED SEAS, COASTAL AREAS AND THE PROTECTION, RATIONAL USE AND DEVELOPMENT OF THEIR LIVING RESOURCES

Draft decision proposed by the Bureau

A. Options for Agenda 21

The Preparatory Committee,

1. Welcomes the reports of the Secretary-General of the Conference on Protection of Oceans, All Kinds of Seas Including Enclosed and Semi-enclosed Seas, Coastal Areas and the Protection, Rational Use and Development of their Living Resources (A/CONF.151/PC/69) and the Options for Agenda 21 on Oceans (A/CONF.151/PC/42/Add.6). Requests the Secretary-General of the Conference to consolidate and integrate related programme areas and rationalize their presentation for consideration at its fourth substantive session. The Committee requests the Secretary-General of the Conference to take into consideration inter alia all relevant paragraphs of General Assembly resolution 44/228, the relevant resolutions taken at the first and second substantive sessions and the decisions taken at the present substantive session in the preparation of a draft Agenda 21 section on Oceans:

(a) The need to include the requests made hereunder into the Options for Agenda 21 on Oceans as amended at the third substantive session of the Preparatory Committee and annexed to this decision;

(b) To further develop the five programme areas for oceans, as given in the annex in relation to Means of Implementation/Resource Requirements: Human Resource Development, Scientific and Technological Infrastructure Development, and Costing and Financing and the role of different international organisations in implementation, incorporating the suggestions and comments from delegations.

2. As concerns the intergovernmental meeting of experts on land-based sources of pollution to be convened by UNEP in coordination with the UNCED secretariat, the Preparatory Committee invites the Executive Director of the United Nations Environmental Programme to report the results of this meeting to the Secretary-General of UNCED on time to be presented at its fourth substantive session.

Annex

Chairman's Working Paper

(Revised version of document A/CONF.151/PC/42/Add.6)

AGENDA 21

[GENERAL OBJECTIVES]

[1. The marine environment —including the oceans and adjacent coastal areas— forms an integrated whole that is an essential component of the global life support system. It should be viewed as a positive asset presenting opportunities for sustainable development. Management of its environmental quality and ecological integrity is a prerequisite for ensuring the sustainable use and development of its resources.

[2. Principles of]The United Nations Convention on the Law of the Sea (UNCLOS) provides [the international framework within which][basis] to pursue the protection and sustainable development of the marine environment. [UNCLOS] contains generally accepted rights and obligations of States with respect to the marine environment. Implementation of those rights and obligations constitutes the objective of this part of Agenda 21 dealing with the oceans.]

[2 The Law of the Sea Convention has introduced new global legal regime, although it lacks the necessary ratifications to enter into force, provides a solid legislative base to govern many international relationships and for ocean management. However, at least two levels need to be harmonized in the management of oceans and coastal areas. The first level is the coastal areas and Exclusive Economic Zones (EEZs), where Governments have certain rights and responsibilities within national jurisdition. The second level is the high seas, which require different cooperative arrangements at the global, regional and nationall levels. Legal and economically focused management regimes must be adjusted so as to incorporate both levels and to take account of political and administrative boundaries as well as the variety of physical and biological units being managed e.g. large marine ecosystems, marine catchment basins and species ranges. The oceans and coastal areas should be viewed as positive assets presenting opportunities for sustainable development. This requires an integrated approach at national, regional and international levels. The overall goal is to maintain the oceans as a functional part of the global life support system, as a productive resource, and as a current and future asset for multiple sustainable development and environmental benefits so as to meet the well-being of present and future generations.]

Note: The underlined text corresponds to the new proposed texts by delegations.

The numbers at the end of the paragraphs indicate the original para. of doc. A/CONF.151/PC/42/Add.6.

3. Within this framework, achievement of the protection and sustainable use of the marine environment requires new approaches to ocean management, at the national, regional and international levels,-approaches that are integrated in content and precautionary and anticipatory in ambit. The overall goal is to ensure that the oceans provide environmental and economic benefits for the well-being of present and future generations.
This goal includes:

[- integration of protection of the marine environment into/and overall economic development policies taking into account changes in value resulting from uses of the [coastal and] marine environment;]

[- Rational use of the marine environment to provide the full requirements for a sustainable development]

- prevention, reduction and control of pollution [and other type of degradation] of the marine environment, including coastal and marine ecosystems;

- preservation of the biological diversity and productivity of marine species, [habitat] and maintenance of the ecological relationships among populations of such species.]

[3bis To achieve these goals, the United Nations General Assembly could accomplish the following actions:

= Training al all levels, in the short, medium and long term of human resources for research, technology and management of coastal areas marine resources.

- Infrastructure Development and:

- Assignment of the necessary funds.

PROPOSED PROGRAMMES AREAS

Agenda 21 for oceans includes the following programme areas:

A. INTEGRATED MANAGEMENT [AND SUSTAINABLE DEVELOPMENT] OF COASTAL AREAS AND [MARINE ECOSYSTEMS][EXCLUSIVE ECONOMIC ZONES]

B. [MARINE ENVIRONMENTAL PROTECTION][MARINE POLLUTION, PREVENTION AND CONTROL; LAND-BASED AND SEA-BASED ACTIVITIES]

1 Prevention, Reduction and Control of Degradation of the Marine Environment from Land-based Activities
2 Prevention, Reduction and Control of Degradation of the Marine Environment from Sea-Based Activities
3 Prevention, Reduction and Control of Degradation of the Marine Environment from other Sources

C. MARINE LIVING RESOURCES [SUSTAINABLE UTILIZATION ON THE HIGH SEAS AND UNDER NATIONAL JURISDICTION]

1 High Seas [HIGH SEAS AND NATIONAL JURISDICTION]
2 National Jurisdiction]

[C. MANAGEMENT OF HIGH SEAS: LIVING MARINE RESOURCES
D. SUSTAINABLE USE OF LIVING MARINE RESOURCES UNDER NATIONAL JURSIDICTION.]

D[E]. ADDRESSING CRITICAL UNCERTAINTIES [FOR OCEAN MANAGEMENT] AND CLIMATE CHANGE

E[F]. STRENGTHENING INTERNATIONAL, INCLUDING REGIONAL COOPERATION AND COORDINATION

[G. HUMAN RESOURCE DEVELOPMENT FOR OCEAN [AND COASTAL] MANAGEMENT]
Human Resource Development
Scientific and Technological Infrastructure Development
Costing and Financing]

Each Programme Area will include the following components:

Basis for actions

Objectives

Activities

Management-related
Data and Information
Capacity Building
International and Regional Cooperation and Coordination

[Means of Implementation/Resource Requirements

Human Resource Development
Scientific and Technological Infrastructure Development
Costing and Financing]

[Means of Implementation

Financing and Cost Evaluation
Scientific and Technological Means
Human Resources Development
Capacity Building of Developing Countries for Preventive and Corrective Action in the Field of Environment Protection and Promotion of Development].

A. INTEGRATED MANAGEMENT [AND SUSTAINABLE] DEVELOPMENT OF COASTAL AREAS AND [MARINE ECOSYSTEMS][EXCLUSIVE ECONOMIC ZONES].

Basis for action

4. The coastal area is important for human settlements and for development through agriculture, forestry, fisheries and aquaculture, various industries, port development, shipping, marine and coastal transport, shore protection, tourism and recreation, national security, waste disposal and conservation of marine ecosystems. The Economic Exclusive Zone (EEZ) is also very important for people and for development because in this area the coastal States exercise an active protection on the natural resources. Despite efforts at national, regional and international levels, the current sector and discipline oriented approach to the multiple use of marine and coastal resources does not provide an effective framework for achieving sustainable development. A holistic, multidisciplinary and inter-sectoral approach to planning and management is required in coastal areas (particularly in island States, low coastal countries, enclosed and semi-enclosed seas) to identify and deal with potential interactions; allocate resources; anticipate and avoid conflict; minimize environmental degradation and face the challenge of potential climate change. There is an opportunity to optimize the sustainable use of the coastal and EEZs areas and resources, building on the experience of regional programmes.(12)

[4bis Problems extend beyond fisheries. Coral reefs and other largerly tropical coastal habitats such as seagrass communities, mangroves and estuaries among the most highly diverse, integrated and productive of the earth's ecosystems. They often serve important ecological functions, provide protection from hazards of the open sea, and are critical natural resources for food, energy, and economic development. In various parts of the world such coastal and marine systems are under stress or threatened due to factors ranging from local cultural practices to changes in sea temperature and or sea level.]

Objectives

5. Integrated management should provide the developing needs of coastal states, making full and cost effective use of natural resources, while maintaining and enhancing those resources for the use of future generations.

6. Assess, plan and manage on a rational economical base, the sustainable development of the coastal and the EEZ areas and their resources while protecting, restoring and enhancing its productivity and conserving its biodiversity, regulating access to resources and rates of use, promoting environmentally safe technology, ensuring compatibility among sectoral developments, cooperating on transboundary issues and assessing effects of potential climate change, particularly the sea level rise.(13)

7. Agree on guidelines for integrated coastal zone and the EEZs area management and development by 1994, and establish at national, regional and global levels integrated planning management and development processes for sustainable use of coastal zones and EEZs by the year 2000.(14)

8. Adopt programmes on the establishment of protected areas and other measures to maintain especies and their habitats in coastal areas and EEZ.

9. Establish a unified policy framework and intergovernmental mechanisms for coastal and EEZ natural resources management and development. Coordination should be promoted with governmental organizations, decision-makers, academic and private sectors, NGO's, local population and other users for this matter.(64(a))

10. Enhance the coordination for coastal and EEZs issues and introduce cooperative mechanisms.(57)

11. Introduce, for regional bodies, new arrangments to ensure effective coordination in the fields of environmental protection, fisheries [marine resource utilisation] and development. [Provisions of mechanisms to facilitate the sustainable exploitation of the EEZs and the resources contained therein to meet the needs of the people.](58)

Activities

Management-Related

12. Develop a Policy and Planning Framework. Each coastal State could establish a high-level planning body or a national coordinating mechanism involving with the governmental organisms the academic and private sector and the local populations for integrated coastal and EEZ management and development. The main activity could be to develop integrated programmes and implement master/integrated coastal and EEZ plans, as part of development plans that could include the following:(15)

(a) Appropriate legal framework for permits, licences and enforcement measures, allocation of resources and space, for banning of environmentally harmful fishing gears [exploitation practices] and for liability and compensation provisions. Environmental impact assessment procedures could be made mandatory;
(b) [Programmes for operative environmental assessment] [Environmental assessment programmes identifying the causes of degradation of the marine environment as well as measures to prevent or correct such degradation.
(c) Contingency plans for man-induced and natural disasters, taking into account the likely effects of potential climate change and sea level rise. Prior assessment of the potential significant adverse environmental impacts of major governmental policies, programmes and projects upon the coastal and the EEZ environment. The plans could include actions to restore altered critical habitats and living conditions of endangered species;
(d) Sectoral programmes addressing sustainability issues in each sector using the coastal area or impacting on it e.g. human settlements, tourism, fishing, ports and industries;
(e) Finance management systems, including accounting systems for coastal resources, allocation schemes and establishment of explicit user's rights and fees and investments, encouraging environmentally safe uses and rehabilitation and shifting from overcapitalized activities.
[(f) Public education and information programme to facilitate plan formulation, implementation and review.]

13. Coastal States could establish protected areas in coastal and EEZ ecosystems which are important because of their high species diversity or role as nursery and recruitment grounds for fish in particular coral reefs, seagrass beds, mangroves, coastal lagoons, estuaries and other coastal wetlands, including an inventory of endangered species and critical coastal and marine habitats and, where appropriate, protect them through national legislation.(33)

(a) Members States could support scientific research on and monitoring of resources of these marine areas; particularly in areas of high diversity, endemism, productivity and spawning, recruitment, nursery grounds and migratory stopover points.
(b) Non-governmental organizations could assist countries in enhancing public awareness of the importance of marine biodiversity.
(c) Countries could implement national regulations to control the introduction of new species for aquaculture, which may have adverse effects on the ecosystem.
[(d) Limited use of resources in protected areas could be allowed statutorily if their use is justified by tradition.]

[13bisSpecial measures [based on the best available scientific information], to preserve the habitats of marine species and designation of areas of the marine environment for special protection in order to:

a) Protect rare or fragile ecosystems;
b) Preserve or restore breeding, spawning, nursery and high biodiversity areas such as coral reefs, seagrass beds, mangrove forests and other highly productive habitats.
c) Preserve or restore their scientific, wilderness, recreational or aesthetic values.
d) Monitor changes in the marine environment.
e) Preserve unique opportunities for scientific research.

Monitoring of changes to coral reefs and other marine life that threaten their ecological, economic and social value.]

International and Regional Cooperation and Coordination

14. Develop Technical Capacity for preparing policy interventions in support of integrated coastal and EEZs management.(17)

(a) International and regional organizations could help countries develop enforcement capacity for monitoring, control and surveillance. Reference is made to document entitled Global Ocean Observing System (A/CONF.151/PC/70).
(b) The coastal States with the cooperation of the relevant United Nations bodies and non-governmental organisations, could establish geographical information systems including appropriate data bases, statistics, maps and resource inventories particularly in sensitive areas and create a coastal multi-purpose monitoring system to assess the potential of coastal areas resources and their status.
(c) Regional programmes could organize data networks with information about a critical mass of scientists and technicians for multi-disciplinary research and management of coastal and EEZ systems.

15. Set Up a Regional Coordinating Mechanism on coastal and EEZ development bringing together relevant international agencies, regional programmes, and donors including the regional development banks. Regional bodies could develop guidelines for improving compatibility between ecological and socio-economic concerns and among sectors, for restoring degraded natural systems to productive use and social benefit, and for transferring clean production technologies into coastal and EEZ development projects.(16)

Data and Information

16. Enhance the capacity of the developing countries for the acquisition and availability of information and data adequate for prior assessments of the potential significant adverse environmental impacts of [and informed judgments] about major governmental policies, programmes and projects affecting the coastal and EEZ environment.

To improve the information base, it is necessary to:

a) Assess the fishing resources [marine resources].
b) Rationalize and expand the data base available in most countries for management of coastal seas resources, with specific needs in mind. In particular, strengthen global coastal shelf and ocean observing systems, as proposed by IOC, UNEP and WMO need developing or strengthening.
c) Assess technologies and information systems available to developing countries for storage and processing of data and for resources mapping, analysis and characterization (including remote sensing, coastal observing systems, etc). In particular, develop Geographic Information Systems (GIS) including appropriate training and equipment.
d) Assess present status of coastal zones urgently, including diagnostics on eutrophication, occurrence of coral bleaching, red tides, "ciguatera", bacteria at beaches, nitrification and salination of groundwater, fish abundance, habitat degradation levels, identification of local and upstream impacting activities (agriculture and others), wetland obliteration, etc.
e) Prepare inventories (atlases) of present and potential activities in the coastal areas (including human settlements), or with impacts on such areas, in order to identify compatible or mutually exclusive activities and problem areas. Identify boundaries for specific pilot projects and zoning purposes.
[f) Prepare inventories (atheses) of present and potential resources and activities in the EEZs.][Delete]

Capacity Building

17. Member States could create an interministerial mechanism, within the national planning and development bodies, for policy-making and long-term planning on EEZ and coastal areas. The main tasks could include the following:

(a) Rationalize and/or coordinate sectoral responsabilities for EEZ and coastal areas within Governments and establish a reviewing mechanism to update and enforce relevant national legislation to EEZ/marine management and coastal development.

(b) Establish advisory bodies for broad consultation to stimulate participation with local administrations, the business community, the academic sector, user groups and the general public.
(c) Include institutional capacity building in agreements between development aid bodies and developing country institutions.(66)

18. Coastal States could organize training and extension programmes for resources users including fishermen, women, and incorporate ocean issues and management in educational curricula and public awareness campaigns. Indigenous peoples could be supported to maintain and apply their traditional knowledge of the coastal environment and marine resources.(67)

19. Relevant global and regional agencies should cooperate with coastal countries in improving the scientific, technological, professional and related institutional capacities.

(a) Identify existing capabilities and existing facilities within the countries of the region; determine the needs of human resources, the scientific and technological infrastructure required and potential for expansion in regional marine and coastal areas research, training, management and technologies.
(b) Establish and maintain regional centres capable of assisting countries in analyzing information and assessing the principal environmental problems, in reinforcing surveillance and implementing environmental impact assessment and monitoring programmes with predictive capabilities.
(c) Prepare national and regional contingency and emergency plans, standard techniques for monitoring species and habitats and develop geographic information systems for spatial planning in coastal areas. To establish the appropriate legislation to protect the marine and coastal ecosystems.
(d) Create special programmes to assist island States to integrate environment and development in the planning process for their limited areas and resources.
(e) Establish programmes on marine environmental education and enhance public awareness of the role of the marine environment for society.(68)

Means of Implementation/Resource Requirements
20.

a) Development of human resources, regional and international institutions related to the subject should help developing island countries to improve their scientific and technical capacities for the integrated management of their coastal areas and EEZs, according to the following:

- Define and implement regional training programs on integrated management of coastal areas and EEZs with the participation of local and regional research centres, as well with the native comunities.

- Establish geographical information networks as a support for activities related to the integrated management of coastal and marine areas.

b) Develop scientific and technological infra/estructure.

- The appropriate regional and international institutions could assist member States with support resources for the habilitation of monitoring and research centres, as information networks, specially in developing countries.

c) Cost and financing.

The cost and funding of the programs to implement and integrated management and development of coastal areas and EEZs should be met by coastal States with the help of special funds provided by donor States and institutions, as the World Bank and other regional financial institutions.

B. [MARINE ENVIRONMENTAL PROTECTION][MARINE POLLUTION, PREVENTION AND CONTROL: LAND-BASED AND SEA-BASED ACTIVITIES]

Basis for Action

21. Anthropogenic degradation of the marine environment can result either from a lack of, or an excess, of economic and industrial growth. The size and distribution of human population, particularly in coastal areas, the patterns of land use [agriculture, forestry, fisheries, urban development] and industry, and the extent to which these activities are managed can impact negatively or positively on the marine environment. Recognition of the anthropogenic sources as basic causes of marine degradation is a crucial step towards effective solutions.

22. A wide range of activities on land contribute to degradation of the marine environment. Of the contaminants to the sea, 40% arrives via rivers and 30% via the atmosphere, while maritime and dumping activities contribute 10% each. The bulk of contaminants remain in coastal waters. The contaminants from land-based sources posing the greatest threat to the marine environment are sewage, nutrients, synthetic organic compounds, [particularly pesticides and herbicides] sediments, litter, metals, radionuclides, oil/hydrocarbons, and polycyclic hydrocarbons (PAH's). Soil erosion presents an additional source of harmful inputs.(35)

23. An anticipatory rather than a reactive approach is necessary to protect the marine environment. This will require the utilization of clean production techniques, policies to minimize wastes, improved sewage treatment and a comprehensive, sequential and coordinated approach involving all sectors including air, land and water interactions. Each coastal country should adopt, in accordance with its capabilities, precautionary measures to prevent, reduce and control pollution [and other forms of degradation of the marine environment from land-based acitvities] from land-based sources. [Any management framework must include waste audits, cleaner technologies, classification of substances, establishment of quality criteria, environmental impact assessment,] [Any management framework must include the enhancement and improvement of housing conditions and quality in ports and coastal zones in developing countries, due environmental impact assessment of new industrial site development for processes which include handling of chemicals and other

substances harmful and/or toxic to the marine environment] comparison of options, monitoring, and integrated management [and development] of coastal areas and EEZ.(36)

24. The substances involved in marine pollution caused by shipping and maritime activities vary enormously in quantities and potential harm to the oceans. In tonnage terms and visual impact the most important pollutant is crude petroleum and its derivatives. Of the approximately 600,000 tons of oil entering the oceans each year from maritime activities less than 25% is from major tanker accidents. A much larger quantity of oil is discharged as a result of normal shipping operations, e.g. pumping of bilges, tank cleaning and deballasting. The heavy concentrations of such residues in coastal areas give rise to chronic pollution, lowering aesthetic and recreational value. Offshore oil operations give rise to polluting discharges from separation of water from recovered oil and the disposal of drilling mud. Oil-well blow-outs can result in oil spillage of catastrophic proportions. There is currently no global regulatory regime for the prevention and control of pollution from offshore oil activities and only four regions have considered the adoption of legal instruments in this regard e.g. N.W. Europe in the Paris Convention, the Kuwait Action Plan Area's Kuwait Protocol, the Caribbean Countries' and the Mediterranean Countries' Barcelona Protocol now under consideration.(43)

25. On the other hand, many chemicals carried by sea are intrinsically far more harmful to the marine environment. Some can bio-accumulate in quantities that present a danger to human health, while others taint fish, making them unsuitable for human consumption. Of the global merchant fleet of approximately 70,000 ships, some 7,000 are tankers. The global chemical tanker fleet has doubled in the past 10 years to approximately 1,000. A substantial volume of other chemical products are carried in packaged form such as drums or in especially constructed containers. Up to 15% of goods carried in dry cargo ships are dangerous to some degree. These, together with liquid substances carried in oil and chemical tankers, make about half of the total cargo carried by the sea.(44)

26. Another cause of pollution is that arising from disposal of wastes at sea. Plastics and other solid wastes are extremely persistent and potentially harmful if ingested by seabirds and marine mammals. By changing industrial processes and the use of recycling methods and improved waste treatment techniques the amounts of wastes dumped at sea have been reduced. In spite of these efforts, disposal at sea of certain waste types, particularly uncontaminated dredged materials, continues to be considered practical and environmentally acceptable. More attention must be paid to the selection of dumping sites, dumping techniques and monitoring programmes and the application of hazard assessment techniques within a licensing regime which can provide the necessary level of marine pollution prevention and control.(45)

27. In addition to the environmental impact of oil spills there are frequently economic repercussions for coastal communities or small countries reliant on the resources of the sea. Automatic financial access to resources to cover clean-up costs and economic damage through liability and compensation regimes have done much to mitigate the effects of accidental oil pollution by facilitating prompt and effective counter-pollution operations.(46)

[27bis. Wider ratification by coastal States of the relevant conventions, and the extension of the existing regimes to cover pollution caused by substances other than oil is essential. Specific objectives could be considered and developed in the following areas:

(a) International ratification and implementation of shipping conventions and more rigorous enforcement of the discharge provisions, eg. through port State control. Coastal nations, on the basis of guidelines issues by International Maritime Organization, and assisted by same, could aim to establish by 1997 port facilities for the collection and disposal of waste oil, chemical residues and garbage, especially in sensitive sea areas where ships are not permitted to make discharges. This would require substantial funding.

(b) Encourage States to ratify [and finalize the future strategy of] the London Dumping Convention by 1994.

(c) Develop an international regulatory global framework for offshore oil discharges, safety and disposal activities by 1995.

(d) Implement liability and compensation regimes covering pollution damage from shipping and dumping activities, the immediate goal being the development of a regime for hazardous and noxious substances carried by ships.(47)

[(e) Improve living conditions of port and coastal human settlements in developing countries, and give special attention to adequate housing and sewage.]

(f) Technical and scientific capacity building and enhancement of research centers for systematic observation of marine pollution in developing countries, managed and staffed with experts from the concerned developing country.]

28. In addition to pollution, many [development][economic] activities directly and indirectly adversely affect marine resources. For example, industrial and residential development, [including touristic and recreational building] can destroy natural habitats [dredging mangroves and similar areas] by filling wetlands channelization, and construction of dams [and other coastal infrastructure]. Unsustainable agricultural, forestry and construction practices can increase levels of sediment in coastal areas, thereby negatively affecting many organisms, such as coral reefs and shellfish. Conversion of mangroves, forests and other low-lying lands to mariculture not only destroys productive natural systems, but can also lead to introduction of non-indigenous species.

Objectives

29. The protection of the marine environment against the adverse effects of human activities [and human development] so as to conserve marine ecosystems and to safeguard human health while providing for rational use of living and non-living resources. In so doing, it is necessary to:

(a) Ensure the proper integration of environment and development concerns.
(b) Recognize the difficulties of developing countries in implementing such strategies.

30. Accordingly, States, acting individually and through appropriate regional and international fora, agree to:

(a) Coordinate and integrate [and develop] measures to achieve marine environment protection and conservation through appropriate local, national, regional, and global mechanisms [and policies];
(b) Adopt and implement, as a matter of priority, precautionary measures to prevent, reduce, and control degradation of the marine environment from land-based and sea- based activities;
(c) Use economic measures, clean technology, and sustainable resource management to limit industrial and agricultural practices that threaten the marine environment;
(d) Maximize best practicable control and reduction of toxic, persistent, and bio-acumulative pollutant discharges;
(e) Restore degraded habitats so that they provide a sustainable marine ecosystem.

Activities

B.1. PREVENTION, REDUCTION AND CONTROL OF DEGRADATION OF THE MARINE ENVIRONMENT FROM LAND-BASED ACTIVITIES

Management-Related Activities

31. The following goals and essential programme elements are necessary components of a comprehensive strategy to protect, conserve, prevent, reduce, and control degradation of the marine environment from land-based activities.(37)

32. Suggested specific objectives include:

(a) Identify existing institutional and technical impediments to conserving the marine environment;
(b) Adoption of a global management [and development] framework by 1994; [The functioning by 1994 of a global framework for intergovernmental cooperation with close links to regional conventions and action plans.]
(c) Strengthen and develop national and regional integrated action plans such as the United Nations Environment Programme Regional Seas Programmes [and the Intergovernmental Oceanographic Commission by 1995;

33. States may wish to consider the following incremental steps:

(a) Agreed principles and programmes, building on the existing Montreal Guidelines, with the appropriate funding and technical support where applicable, at the national, regional and global levels, including possible establishment of appropriate standards;
(b) A formal declaration or charter to be adopted at UNCED;
(c) A global convention to formulate principles and standards with provisions for the institutional machinery to implement the convention. The Montreal Guidelines, complemented and amended as appropriate, could serve as the basis for the convention.(38)

34. Coastal states should establish in regional and national action plans, [reduction programmes for inputs from land-based activities] into the marine environment, [in order to achieve] [acceptable quality of the marine environment] together with target dates and financial mechanisms. While obvious global priorities exist both national and regional differences in terms of knowledge, viewpoints, infrastructure and technology, require different emphasis throughout the world. Countries should adopt precautionary approaches to development and management. Such approaches could involve a reduction of [effluents and] emissions, through, inter alia, improved housekeeping practices, greater treatment and recycling, and the introduction of cleaner production technologies. In both developed and developing countries, priorities should include appropriate sewage and industrial effluents treatment and disposal, synthetic organic compounds, and non-point runoffs. As well, priority attention should be given to pollution from land-based sources which reach the oceans via the atmosphere.(39)

35. As concerns sewage, priority actions in this area include:

(a) Building sewage treatment facilities [and safeguarding the maintenance and operation of treatment plants] [in accordance with national policies, capacities and international cooperation available].
(b) Entry of non-domestic effluent to sewers containing contaminants (such as heavy metals) should be strictly controlled so as not to preclude productive uses of sewage and not exclude the possibility of environmentally sound co-treatments of domestic and compatible industrial effluents.
(c) Municipal sewage [and industrial effluents] discharged to rivers, estuaries and the sea should, as a minimum, be subject to primary treatment.
(d) Coastal outfalls should be located so as to avoid exposing shell fisheries, water intakes and bathing areas to pathogens.(40)
(e) Cooperation in the development of minimum sewage effluent guidelines and water quality criteria for municipal [and industrial] wastes.
[(f) Settlement plans should be formulated or reviewed taking into account sewage concerns including resettlement of heavily populated coastal and riverbank areas.]
[(g) The establishment of regulatory and monitoring programmes to control effluent discharge, using appropriate risk and environmental impact assessments.]

[36. As concerns wastes, the main elements to be considered by coastal countries are:]

(a) Regulatory and monitoring programmes to control effluent discharge, using appropriate risk and environmental impact assessments.
(b) New ["prior informed consent" policy] [prior notification and consultation] initiatives at national and regional levels for controlling the input of non-point source pollutants, including sediments, which requires broad changes in sewage and waste management, shifts in agricultural practices, and environmentally compatible approaches to mining, construction and transportation practices.
(c) A review and control regime of loads (fluxes) of nitrogen and phosphorus entering the marine environment. (41) Taking into account different national capacities.

[(d) Assistance to developing countries to develop land-based waste disposal systems to preclude sea-dumping through financial support and transfer of environmentally sound technology.]

37. As concerns pollution from non-point sources:

(a) Cooperation in the development of land-use techniques, particularly buffer zones, along estuaries and water courses to limit agricultural runoff;
(b) Promotion of bilaterally and multilaterally through international development organizations and industry the use and application of environmentally sound pesticides and fertilizers (e.g., minimum toxicity and bio-accumultation standards).
(c) Elaboration of best environmental practices to prevent degradation.
[(d) Adoption of new ["prior informed consent" policy][prior notification and consultation] initiatives at national and regional levels for controlling the input of non-point source pollutants, including sediments, which requires broad changes in sewage and waste management, shifts in agricultural practices, and environmentally compatible approaches to mining, construction and transportation practices.
(e) Establish a review and control regime of loads (fluxes) of nitrogen and phosphorus entering the marine environment, Taking into account different national capacities.]

38. Countries could adopt a declaration at UNCED 1992 on land-based sources [a set of principles on prevention, reduction and control of degradation of the marine environment by land-based activities] following the recommendations of the Halifax and UNEP Intergovernmental Meetings of Experts. This could include specific elements for a subsequent global strategy and action plan on marine environmental degradation from land based activities. An Intergovernmental Meeting of Experts on Land-based Sources of Marine Pollution will meet again toward the end of 1991, following the decision of the UNEP Governing Council at its Sixteenth Session. This meeting could support the UNCED Preparatory Process by helping in the articulation of UNCED options for action [in preparing elements of a strategy and a targeted and costed programme of action as well as a set of principles concerning prevention, reduction and control of marine degradation caused by land-based activities] to be considered again at the Fourth Preparatory Committee.(42)

B.2 PREVENTION, REDUCTION AND CONTROL OF DEGRADATION OF THE MARINE ENVIRONMENT FROM SEA-BASED ACTIVITIES

Management-Related Activities

39. Wider ratification by coastal States of the relevant conventions, and the extension of the existing regimes to cover pollution caused by substances other than oil is essential. Specific objectives could be considered and developed in the following areas:

(a) International ratification and implementation of shipping conventions and more rigorous enforcement of the discharge provisions, eg. through port State control. Coastal nations, on the basis of guidelines issues by International Maritime Organization, and assisted by same, could aim to

establish by 1997 port facilities for the collection and disposal of waste oil, chemical residues and garbage, especially in sensitive sea areas where ships are not permitted to make discharges. This would require substantial funding.

(b) Encourage States to ratify [and finalize the future strategy of] the London Dumping Convention by 1994.

(c) Develop an international regulatory global framework for offshore oil discharges, safety and disposal activities by 1995.

(d) Implement liability and compensation regimes covering pollution damage from shipping and dumping activities, the immediate goal being the development of a regime for hazardous and noxious substances carried by ships.(47)

40. Countries should initiate regional agreements to prevent, reduce and control marine pollution arising from artificial islands, installations and structures used in the exploration and exploitation of offshore oil [and other] resources, and ballast water dumping rules to prevent the spread of non-indigenous organisms.(48)

41. As concerns shipping, coastal States could urge wider ratification and implementation of safety and marine pollution conventions, including those dealing with liability and compensation for pollution damage and rigorous enforcement of MARPOL regulations (e.g., through exercise of port State control procedures and aerial surveillance of shipping lanes). States could also implement more stringent pollution control measures [in semi-enclosed seas, the polar regions and particularly sensitive sea areas].(49)

42. In relation to ports, countries could urge the provision of facilities for collection and treatment of wastes from ships and for vessels and yachts in marinas and fishing harbours by:

(a) In accordance with the London Dumping Convention and MARPOL provisions, regulation of dredging of navigation channels and disposal of dredged material, including global criteria for ocean disposal of contaminated spoils.

(b) Development of guidelines for environmental impact assessments of port development and expansion and wider enforcement of codes of practice relating to transportation of hazardous and dangerous cargoes, and for detection of illicit movement of toxic chemicals and hazardous wastes. (50)

[(c) Channels of communication and coordination between the Secretariats of the Basel and London Dumping Conventions should be strengthen and be more open in order to prevent parties to the Basel Convention from exporting, for disposal in the ocean, substances referred to in Annexes I and II to the London Dumping Convention to States not parties to that Convention.]

43.

(a) States should develop oil and chemical spill contingency plans at local, national and regional levels and establish at the national level, government/industry collaboration mechanism on provision of oil spill response materials and equipment stockpiles, and training of clean-up personnel, together with a funding mechanism.(51)

(b) States should establish a network of regional oil/chemical spil response centres with collaboration from IMO and regional Governments.

44. Member States should agree to stop the dumping and incineration of all hazardous wastes and substances and encourage a global commitment to more assiduous application of the provisions of the London Dumping Convention and regional dumping protocols, where adopted. IMO could prepare global guidelines concerning waste audits and clean production, and lists of substances and wastes prohibited from dumping at sea and could assist States to enter into regional agreements in this regard.(52)

45. States should develop liability and compensation regimes for hazardous and noxious substances as well as other sea-based activities (e.g., dumping, offshore oil and gas and transboundary movements of hazardous substances and wastes).(53)

Data and Information

[46. [States] Countries should establish monitoring systems and regularly report information on pollutants and efforts to control and prevent them to relevant regional and international organisations.]

47. [States] Countries should identify ongoing and planned programs of monitoring of the marine environment, with a view to integrating activities and establishing priorites for further monitoring activities.

48. [States] Countries should cooperate through relevant international organisations in integrated monitoring of the marine environment by:

(a) Expanding the international mussel watch program.
(b) Relating monitoring activities to action plans and pollution control and abatement strategies.
(c) Expanding GIS mapping and information systems.

[49. Countries could:

(a) Complete, with the support of regional and national programmes, inventories and hazard assessments of marine pollution sources by 1997, and
(b) Complete national, regional and global assessments of marine environment by 1997.(37(c) and (d))
(c) [States] Countries should, with the appropriate funding support build on existing facilities, support the Global Ocean Observing System. The GOOS should include appropriate equipment to monitor pollution in coastal and open ocean areas. Data on marine pollution should be available to interested parties and stored at World Data Centres.]

Capacity Building

50. States should create a high level mechanism, within the national planning and development bodies, for policy-making and long term planning on oceans and coastal areas. The main tasks could include the following:

(a) Rationalize and/or coordinate sectoral responsibilities for oceans and coastal areas within Governments and establish a reviewing mechanism to up-date and enforce relevant national legislation to ocean management and coastal development.
(b) Establish advisory bodies for broad consultation to stimulate participation with local administrations, the business community, the academic sector, user groups and the general public.
(c) Include institutional capacity building in agreements between development aid bodies and developing country institutions.(66)

51. Coastal States should organise training and extension programmes for resource users including fishermen, women, and incorporate ocean issues and management in educational curricula and public awareness campaigns. Indigenous peoples should be supported to maintain and apply their traditional knowledge of the coastal environment and marine resources.(67)

52. Relevant regional agencies should assist <u>developing</u> coastal countries in improving the scientific, technological, professional and related institutional capacities.

(a) Identify existing capabilities and existing facilities within the region and potentials for expansion in regional marine and coastal areas research, training, management and technologies.
(b) Establish and maintain regional centres capable of assisting countries in analyzing information and assessing the principal environmental problems, in reinforcing surveillance and implementing environmental impact assessment and monitoring programmes with predictive capabilities.
(c) Prepare national and regional contingency and emergency plans, standard techniques for monitoring species and habitats and develop geographic information systems for spatial planning in coastal areas.
(d) Create special programmes to assist island States to integrate environment and development in the planning process for their limited areas and resources.
(e) Establish programmes on marine environmental education and enhance public awareness of the role of the marine environment for society.(68)
[(f) <u>The development aspects should also be focussed upon to restore symmetry and balance the complementary environment and development concerns.</u>]

<u>International and Regional Cooperation and Coordination</u>

<u>[52bis While an international land-based pollution agreement is needed, as stated, support for such an agreement is conditioned upon the establishment of effective provisions for financing and development, use and transfer of environmentally sound technologies.

High priority needs to be given to the development of effective financial mechanisms at the national, regional and global levels for sewage treatment facilities, in order to ensure that developing countries have access to the necessary resources to deal in a more effective way land-based marine pollution.]</u>

53. Countries could work with appropriate international organizations to develop comparable monitoring techniques, methodologies, and measurements for all aspects of marine pollution.

Means of Implementation/Resource Requirements

54. Provide adequate financial and technical resources to assist developing countries to prevent and solve problems associated with activities that threaten the marine environment.

55. Provide technological cooperation, technology transfer, and financial resources to support the implementation of national action programmes and regional joint comprehensive programmes of action.

56. Specific suggestions include:

(a) A funding mechanism for building sewage treatment facilities, including grants or concessional loans from international agencies, such as UNDP, UNEP, [IOC], World Bank and other appropriate regional funds.

57. Establishing of specific financing [for developing countries of] mechanisms for building port facilities, including loans or grants from international agencies, including the UNDP, UNEP, [IOC] and World Bank's Global Environmental Facility or a system of "Reception Facility Funds" of automatic charges on [non-sovereign immune] ships.(50(a))

[C. MARINE LIVING RESOURCES [SUSTAINABLE UTILIZATION ON THE HIGH SEAS AND UNDER NATIONAL JURISDICTION]
[C. MANAGEMENT OF THE HIGH SEAS: LIVING MARINE RESOURCES
D. SUSTAINABLE USE OF LIVING MARINE RESOURCES UNDER NATIONAL JURISDICTION].

Basis for action

General

58. The conservation and management of marine living resources should take place on the basis of sustainable utilization. This is of social, economic and nutritional importance, and contributes to national food security, not least to developing countries and indigenous peoples. The special status of indigenous peoples should be recognized including their rights to utilization and protection of their habitats on a sustainable basis.

[C.1 HIGH SEAS]

59. While high seas fisheries contribute to the effective utilisation of resources and to the world supply of protein, management performance on the high seas, has not infrequently been unsuccessful and many resources are overfished. [Management performance on the high seas has not always been successful and several types of resources are overfished]. In a number of high seas areas, the provisions of the United Nations Convention on the Law of the Sea (UNCLOS) are not being implemented as intended. [There are problems

of unregulated fishing, vessel reflagging to escape controls, fishing practices such as large-scale pelagic driftnetting and overfishing, lack of surveillance, control and enforcement and, in general, lack of the required cooperation with other States.]

[C.2 NATIONAL JURISDICTION]

60. World oceans yield about 80-90 million tons per year, 95% of which comes from EEZs. They provide healthy food and livelihoods to millions of people in coastal areas. However, many countries continue to face mounting problems related to implementation of their rights and obligations under UNCLOS, including local overfishing, [poor management performance] unauthorized incursions by foreign vessels, ecosystem degradation, increased stock fluctuations, overcapitalization, excessive fleet sizes, inefficient selective gear, unreliable data bases and inadequate information about their resource base, increasing competition between artisanal and industrial fishing and between fishing and other types of activities.(22)

61. Problems extend beyond fisheries. Coral reefs and other largely tropical coastal habitats such as seagrass communities, mangroves and estuaries among the most highly diverse, integrated and productive of the earth's ecosystems. They often serve important ecological functions, provide protection from hazards of the open sea, and are critical natural resources for food, energy, and economic development. In various parts of the world such coastal and marine systems are under stress or threatened due to factors ranging from local cultural practices to changes in sea temperature and or sea level.

[Objectives

General

[62. Fisheries [must] be managed through ecosystem, multi-species management approaches on the basis of sustainable ecologically sound practices consistent with the best available scientific information, and must be effectively monitored and enforced, in order to ensure conservation and promote optimum utilization of the living resources.

63. Ecosystem and multi-species approaches must be developed and implemented to preserve the biological diversity and productivity of marine species and maintain the ecological relationships among populations of such species.]

64. [States must] [States in accordance to their national legislation and policies could] ensure as far as practicable that human activities do not result in the decrease of any population of marine species with special attention to marine mammals and sea turtles, below a level at which its recruitment is stable , but preferably not below a level close to that which ensures the greatest net annual increment; populations of marine species that have been depleted by harvesting should be restored to these levels.

65. Data and information [must] [should] be obtained [by States with the cooperation of international organisations], including verifiable catch and effort statistics, on the commercial harvesting of populations of marine species, including by-catch, adequate to reliably assess and predict the effects of such harvesting.

66. Selective fishing gear and practices should be used to [avoid] [minimise] significant waste of catch of target populations of marine species and the significant bycatch of non-target species.

[66bis. The full implementation of General Assembly resolution 44/225 on large-scale pelagic drifnet fishing.]

[67. States should ensure that each population of marine species that is the target of fishing [exploitation] activities is harvested in areas and at the stage of its life cycle that ensures maximum economic efficiency, consistent with these principles.]

68. Fish [marine species] for human food, should take priority over other uses, and the amount available for human food should be increased by avoiding wasteage and improving techniques of capture [harvest], handling and transportation.]

[C.1 HIGH SEAS]

69. [On the high seas, States fishing a stock which straddles the 200 mile limit of a coastal State, [or highly migratory species which are found within that limit], [must] take all measures necessary to give effect to the special interest and responsibility of the coastal State concerning the portion of the stock outside the 200 mile limit [and in the highly migratory species while outside that limit]. High seas fishing [must] not have an adverse impact on the resources under the jurisdiction of coastal States].

70. Over the next few years, effective regional and international mechanisms and strategies should be developed and implemented where appropriate, through cooperation between high seas fishing States, coastal States and relevant international organizations and existing regional and international mechanisms should be reinforced where appropriate:

(a) To conserve and make full sustainable use of the living marine resources of the high seas, and to improve the status of those which are depleted.
(b) To define and identify management units based on large marine ecosystems concepts.
(c) To provide for the negotiation of appropriate international agreements.
d) To establish appropriate exploitation regimes for stocks whose life cycles encompass both the high seas and EEZ's.

[C.2 NATIONAL JURISDICTION]

71. The objective would be to build national capacity over the next 10 years to make full sustainable use of the EEZs.(23)

Activities

General

[72. [Assessment] [Promotion] of fishing methods to minimise adverse impacts of fishing on target and non-target species, other users and marine ecosystems;]

[72. Assessment of fishing methods and banning of unsustainable fishing techniques, such as large scale pelagic drifnet fishing in accordance with General Assembly resolution 44/225, in order to minimise adverse impacts of fishing on target and non-target species, other users and marine ecosystems.]

73. Development and sharing of analytical and predictive tools such as stock assessment and bioeconomic models to assist in risk management and decision-making;

74. [Cautious handing of] [Harmonizing with] all situations dealing with risk, uncertainty and irreversibility;

75. Integration of environmental factors in management;

76. Acquisition of all the data, current and historic, necessary for effective management of fisheries resources including data on catch and effort, by-catch and the impact of the fishing on other users and the marine environment;

77. Promotion of regional fisheries management bodies [to cover the gaps in the existing coverage of the world's oceans;]

81. [Marine mammals. Continuing consultations.]

[- Affirm the validity of the 1972 United Nations Conference on the Human Environment recommendation that there should be a 10 year moratorium on Commercial Whaling and call for its full implementation by extending the present moratorium on commercial whaling until 1995/96;

- Welcome the IWC report on small cetaceans and urge IWC to continue to strengthen this work, and Governments specifically concerned to act promptly on the recommendations of the IWC's Scientific Committee on this issue;

- Call for an international conference with the widest possible participation to be convened by 1995 to review the international machinery for the protection of all cetaceans, and to consider the most effective means for providing cetacean research, conservation and management into the twenty-first century.]

[Support the International Whaling Commission in its efforts to ensure proper and effective conservation and development of large whale stocks.

Same efforts for conservation of other depleted or endangered marine mammals should be made by countries and appropriate international bodies.]

([- Acknowledge the principles of sustainable use in all dealings with marine mammals resources, and recognize the special needs of developing countries and indigenous peoples of the marine resources of their nutritional and economic development.

- Support the IWC in its efforts to restore stocks of highly migratory species of whales and call for increased scientific research and advice to fulfil this effort.

- Support scientific research on small cetaceans with the aim of creating national and regional conservation of these species.

- Support the Bonn Convention in its efforts to promote the establishment of regional agreements on management and conservation of small cetaceans.

- Call on the Governments to review and strengthen all possible efforts to counteract pollution threats to all marine mammals.]

82. [Polar regions and specific seas]
[Delete]
[The Antarctic Treaty Parties that singling out Antarctica to be identified as a specific regional issue for consideration by UNCED is inappropriate for the following reasons:

-The Antarctica Treaty provides a tried and tested basis for managing activities in Antarctica.

-In the carefully drafted General Assembly resolution 44/228, neither Antarctica nor any other specific region has been identified as one of the UNCED priority areas.

-UNCED already has a hardly manageable workload; identifying specific regions for priority action within the proposed Agenda 21 would open the doors to unravel a carefully negotiated settlement on priority issues and areas as contained in resolution 44/228.

Consistent with this approach therefore, the Treaty Parties will oppose the inclusion in a possible Agenda 21 of specific references to Antarctica such as those contained inter alia in paragraphs 18, 20 and 34 of A/CONF.151/PC/42/Add.6, or as proposed by some distinguished delegates in the course of our debate.]

- [In the Polar regions, through United Nations involvement, to improve and introduce the anticipatory approach and adopt and implement an Antarctic Conservation Strategy, the Arctic Environment Protection Strategy and promote the Arctic Monitoring and Assessment Programme.

The following elements should be included:
-To establish a sanctuary for all cetaceans in its traditional natural habitat.

-Call upon the ATCP to protect and improve the status of living resources in the Antarctic region, including marine ecosystems and report regularly to the United Nations on its status through the General Assembly.

In relation to Maintenance of Ecosystem and Marine Biodiversity, the following elements should be included:

- (a) Call for efforts to prevent overfishing including the banning of prospecting and mining in Antarctica so as to ensure the protection of its environment is for the benefit of all mankind.

(b) Call for the establishment of a nature reserve or World Park in Antarctica which constitute an integral part of the global commons.

In relation to Strengthening International Institutions and Legal Instruments, the following elements should be included:

- To establish a United Nations sponsored station in Antarctica with the view to promoting coordinated international cooperation in scientific research for the benefit of mankind, particularly the importance of Antarctica to the global environment and ecosystems, as well as an early warning system on climate change and accidents.

- Call for the widest possible participation of the international community to review and negotiate a comprehensive convention on the Conservation and Protection of Antarctica.]

Capacity Building

83. Each coastal country could establish:

(a) A unified policy framework and intergovernmental mechanisms for coastal management and marine resources management through a permanent consultation between the decision makers and the users.
(b) Procedures to involve the coastal communities the academic and private sector in the development and implementing programmes.(64)

84. Member States could create an interministerial mechanism, within the national planning and development bodies, for policy-making and long term planning on oceans and coastal areas. The main tasks could include the following:

(a) Rationalize and/or coordinate sectoral responsabilities for oceans and coastal areas within governments and establish a reviewing mechanism to update and enforce relevant national legislation to ocean management and coastal development.
(b) Establish advisory bodies for broad consultation to stimulate participation with local administrations, the business community, the academic sector, user groups and the general public.
(c) Include institutional capacity building in agreements between development aid bodies and developing country institutions.(66)

85. Relevant regional agencies could assist coastal countries in improving the scientific, technological, professional and related institutional capacities.

(a) Identify existing capabilities and existing facilities within the countries of the region; determine the needs of human resources, the scientific and technical infrastructure required and potential for expansion in regional marine and coastal areas research, training, management and technologies.
(b) Establish and maintain regional centres capable of assisting countries in analysing information and assessing the principal environmental problems, in reinforcing surveillance and implementing environmental impact assessment and monitoring programmes with predictive capabilities.
(c) Prepare national and regional contingency and emergency plans, standard techniques for monitoring species and habitats and develop geographic information systems for spatial planning in coastal areas. To establish the appropriate legislation to protect the marine and coastal ecosystems.
(d) Create special programmes to assist island States to integrate environment and development in the planning process for their limited areas and resources.
(e) Establish programmes on marine environmental education and enhance public awareness of the role of the marine environment for society.(68)

[C.1 HIGH SEAS][HIGH SEAS AND NATIONAL JURISDICTION]

Management Related

86. States [must] effectively monitor and control fishing activities of their nationals vessels and crews thereof to ensure the conservation of the resources, compliance with applicable conservation and management rules, complete and accurate reporting of catches and effort, and [avoidance][minimisation] of incidental catch.

87. States [must] ensure that vessels authorized to fly their flag comply with the [applicable] conservation and management rules adopted by competent international [or regional] organizations or, where no such organization exists, through other [international] arrangements.

88. States [must] establish penalties under domestic law, and take legal action against their nationals, vessels and crews thereof, for any violation of [applicable] rules adopted by competent international [or regional] organizations or, where no such organizations exist, through other [international] arrangements, whether such violations are committed directly or through resort to techniques such as the reflagging of vessels in foreign countries. States must take similar action for any violation of domestically instituted conservation and management rules.

89. States whose nationals or vessels fish in the same area of the high seas [must] cooperate to establish international [or regional] arrangements or organizations to ensure sustainable and optimally developed fisheries through effective conservation and management regimes, including as appropriate [reciprocal inspection and] enforcement systems and dispute settlement mechanisms.

90. [States [must] cooperate with competent international organizations or, where such organizations do not exist, through other international arrangements, and ensure that their nationals, vessels and crews thereof, do not violate rules adopted pursuant to such regimes].

91. In areas of the high seas where a management régime has been agreed within the framework of a [competent international [or regional] organization] or, where such an organization does not exist, through another [international] arrangement, States [must] ensure that high seas fishing is undertaken only in accordance with the conservation and management rules adopted under that organization or arrangement.

92. [With respect to a stock occurring both within the exclusive economic zone of a coastal State and in an area of the high seas adjacent to it, the management regime applied to the stock [must] provide for consistency of the measures applied on the high seas with those applied by the coastal State within its exclusive economic zone; [high seas fisheries [must] not be directed toward the stock when the stock is fully utilized by the coastal state within its exclusive economic zone].

93. [With respect to a highly migratory species, the management régime on the high seas [must] fully recognize the sovereign rights of the coastal State in its exclusive economic zone and, taking into account the special interest of the coastal State in the species while outside its zone, avoid adverse impact on the resource within that zone].

Data and Information

94. The transparency of high seas fishing activities [must] be ensured. States [must] make available to appropriate international [or regional] organizations all relevant data relating to catches on the high seas. The relevant international [or regional] organizations should establish appropriate monitoring programmes including the standardized collection of scientific data and the deployment of scientific observers.

Capacity Building

(see under General)

Global and Regional Cooperation and Coordination

95. The international community should strengthen capacities for collaboration between regional and global [international] fishery bodies [dealing with conservation and management of the oceans and seas. The], the United Nations Environment Programme Regional Seas Programme should be strengthened and the following action should be taken:

(a) Relevant United Nations or other international Agencies should develop guidelines for better implementation of the Law of the Sea Convention (UNCLOS). FAO should prepare technical guidelines on responsible fishing in the high seas.

(b) Countries together with relevant international fisheries organizations and United Nations Agencies should establish programmes and special agreements to protect endangered species and stocks and to establish appropriate exploitation régimes for all stocks and species including those whose life cycles encompass both the high seas and EEZs. [This should include banning unsustainable fishing techniques and practices and restriction of less sustainable techniques and practices.][Delete.](20)

96. Relevant United Nations bodies and other international agencies could develop collaborative technical and research programmes to improve understanding of species life cycles and migration, identifying critical areas and life stages.

(a) Countries with the assistance of relevant United Nations and other international Agencies and non-governmental organizations, could identify linkages between EEZs and high seas resources and could develop further the concept of large marine ecosystems and its potential for practical application in ocean management régimes.

[(b) FAO and other international agencies should assess resources potential, optimal fishing régimes and acceptable levels of exploitation and develop reliable international monitoring, control, surveillance and enforcement systems.]

(c) Regional fisheries bodies should link information systems which have part of the high seas ecosystem under their responsibility and inventory all stocks (target and non-target) in order to set up rehabilitation measures where appropriate.

(d) GATT assisted by the FAO, should strengthen international technical cooperation mechanisms in relation to high seas stock-commodities with a view to identifying and eventually eliminating inappropriate trade barriers and assisting in preventing the evasion of international management régimes.(21)

[96bis. States should develop multilateral standards dealing with the interlinkages between trade and the protection of living marine resources, taking into account concerns on sustainable development.]

[C.2 NATIONAL JURISDICTION]

Management Related

97. Coastal States could establish systems to regulate access through licensing, explicit user's rights, limited entry, space allocation, closure zones and economic instruments; and domestic and international collaborative mechanisms on issues related to migratory fish [and long range fleet monitoring and control.]

98. Coastal States could strengthen environmentally sound artisanal fishing technologies, collaborate with traditional coastal communities for the elimination of unsound ones, and strengthen training and extension services in coordination with rural agriculture services together with appropriate financing mechanisms.

99. Coastal States could ensure that, in their negotiation and implementation of international agreements on the conservation of living marine resources, indigenous peoples are represented and their interests in particular their right to subsistence, are secured.(24(b) and 28(b)

Data and Information

100. Coastal states together with United Nations and other international agencies could complete/update living resource and critical habitat inventories of EEZ's, at national and regional levels (coastal wetland, mangroves, seagrass beds, etc.) and develop legislation to protect them. FAO could develop methodologies to improve assessments in data-limited situations for the analysis of interactions between sectors and management under uncertainty.(25(a))

101. Coastal States could establish and improve data collection systems, and, when appropriate, provide the necessary data to regional and global fisheries bodies.

Capacity Building

102. National policy, legal and regulatory frameworks could be completed with the assistance of relevant international organizations looking toward improved enforcement capacity, investment and financing including joint venture agreements, regulation of access, enhancement of small-scale fisheries, the improvement of seafood quality and rationalisation of trade.(24)

103. Information systems, training and management-oriented research programmes could be implemented to provide a framework incorporating the ecosystem management approach at the national and regional level.(25)

104. Mariculture and coastal aquaculture potentials could be developed. National analyses for potential mariculture, coastal aquaculture (areas, species and methodologies) and other improvements e.g. artificial reefs, in each developing coastal country could be developed within ten years within a framework of Integrated National Planning.

105. Coastal States could take steps to enhance the productivity and utilization of their marine living resources in terms of food production and income production from food products, pharmaceutical products, and recreational, cultural and aesthetic uses.

106. Coastal states could develop systems for the recognition, recording and application of community based traditional knowledge concerning marine resources and ecosystems and incorporate them into modern management systems in collaboration with the people and community concerned.(29(d)

Global and Regional Cooperation and Coordination

107. Relevant United Nations and other international agencies should assist coastal countries to complete their legal and policy frameworks in line with UNCLOS, as well as to improve management methods including control and surveillance and provide assistance to developing countries for research and development of economic uses of marine living resources. They should prepare guidelines for [responsible] [environmentally sound]fishing with a view to reduce wastes, protect endangered species, reduce pollution [from fishing] and improve fishing gear efficiency and selectivity.(24(a)) [They should also provide for the transfer of environmentally sound technology to developing countries to develop their fisheries, and to replace fishing practices identified as harmful to marine species.][As related to fishing practices which become harmful to marine species because of significant ways of catch or significant bycatch of non-target species, in relation to the development of new technologies, new standards should be reached through international agreements. These agreements will provide for the transfer of the new environmentally sound technology to developing countries and the provision of new additional funds for its implementation.]

108. Relevant United Nations and other international agencies should prepare a set of guidelines for potential application of a precautionary approach to living resources management; the concept of the Marine Catchment Basin for enclosed seas, as well as the ecosystem management approach and "large marine ecosystems" concepts, including the practical implications and applications.(25(c))

109. FAO should prepare guidelines for [responsible and] environmentally sound intensive aquaculture to reduce environmental impacts and develop plans for basic, strategic and applied research especially on rural aquaculture.(26(b)

[109bis. States should develop multilateral standards dealing with the interlinkages between trade and the protection of living marine resources, taking into account concerns on sustainable development.]

110. The international community should develop/improve markets to promote direct human consumption of fish and to enhance the contribution of subsistence fisheries.(27(c)

111. Relevant United Nations Agencies should establish a methodology to assess the nutritional and healthimpacts of fishery policies and projects.(27(d))

112. Relevant United Nations programmes and agencies could provide to traditional coastal communities of indigenous peoples and, in developing countries, to subsistence fishermen [fisherfolk] the technical and financial assistance to organize and maintain global networks for the exchange and improvements of traditional and scientific knowledge of marine resources, their protection and environmentally sound use; and for the study and development of traditional management systems.

Means of Implementation/Resource Requirements

113. Relevant United Nations Agencies, donor community and development agencies could adopt a funding coordinating mechanism to assist all coastal States to build national and regional capacities for ocean and coastal areas management.

[C.1 HIGH SEAS]

Human Resources

(To be completed)

Scientific and Technical Infrastructure

(To be completed)

Financing and Costing

(To be completed)

[C.2 NATIONAL JURISDICTION]

Human Resources

114. The regional bodies could develop multidisciplinary training and research on marine living resources, particularly in social and economic sciences as well as in the use of geographical information systems.(25(b))

115. A framework to support artisanal fisheries and small-scale use of living marine resources and, in developing countries, subsistence fishermen could be developed at national and regional levels and encourage equitable participation of women and indigenous peoples.(29)

116. Countries could integrate small-scale fisheries development in coastal zone planning, and create and encourage representation of fishermen and communities in planning management bodies.(29(a))

117. Countries could encourage for community-based users, including traditional coastal communities, women's groups and minorities/indigenous people, increased rights and responsibilities for management and enforcement [on fishing and non-fishing concerns including eco-tourism]; allocate marine resources equitably among small-scale, large-scale and sport fisheries [providing priority for the subsistence of minorities/indigenous peoples] ; and set a system for small-scale fishworker rights.(29(b))

(B) Scientific and Technical Infrastructure

118. Countries could implement the FAO/ICES Code of Practice for Consideration of Transfer and Introduction of Marine and Freshwater Organisms and regional bodies could transfer available safe technologies and establish cooperative programmes with national centres.(26(c))

119. Improving seafood quality [and fisheries based industrialisation including deep-sea fishing for developing countries, in particular it] will be crucial for promoting trade and meeting social goals linked to nutrition and health.(27)

120. Countries could agree on global quality assurance systems in order to improve consumer confidence and maximize economic returns.(27(a))

121. Countries with the assistance of FAO could develop programmes to improve handling and processing, reducing post-harvest losses and discards.(27(b))

122. Coastal States could strengthen environmentally sound artisanal and subsistence fishing activities, collaborate with traditional coastal communities for the elimination of unsound ones and strengthen training and extension services in coordination with rural agriculture services together with appropriate financing mechanisms.(29(c))

Financing and Costing

123. Development agencies and donors should provide technical and financial support through regional organisations.(28(a))

124. Countries could utilize development funding for habitat management [and for action oriented research projects to inmediately address prevailing problems].(24(c))

125. FAO should assist countries to develop a program for transfer of management methods and environmentally sound fishing technology, particularly for small scale fishing and for the protection of resources with low resilience (marine mammals, sharks), [and trade in tropical fishing for the aquarium business as well as trade in corals.](24(d))

D. ADDRESSING CRITICAL UNCERTAINTIES [FOR OCEAN MANAGEMENT] AND CLIMATE CHANGE

Basis for action

126. The cornerstone for protecting the oceans and coastal areas and for providing rational use and development of their living and non-living resources is the ability to determine the present state of systems and predict future conditions. Effective management of oceans and coastal areas is often stalled by the high degree of uncertainties in present information. This limits the ability to make predictions and assess environmental change. In order to rationally manage the marine and coastal environment and its resources in accordance with international law, we need to develop the ability to predict natural and man-induced changes in marine and coastal ecosystems. Accordingly, it is necessary to restructure the mechanisms for generating and disseminating information based on the results of research and monitoring activities. Research, systematic observation and monitoring information generated must be correctly communicated to all levels of the management structure and the public.(69)

127. There are many uncertainties about climate change and [particularly] sea level rise. Small charges in sea level rise have the potential of causing significant changes to small island States. Response strategies should be based on sound information [data] . A long-term co- operative research commitment [based on differentiated responsibilities of countries] is needed to reduce this great uncertainty. Meanwhile, precautionary measures should be initiated to diminish the risks and effects, particularly on small islands, low-lying States and coastal zones of the world.(70)

Objectives

128. States acting individually and through appropriate regional and international fora agree:

(a) To conduct scientific research on, systematic observation and monitoring of the marine environment, within and beyond the limits of national jurisdiction.

[(b) To provide full and open sharing of data and information resulting from scientific research and monitoring.]

(c) To develop standard intercalibrated procedures, measuring techniques, and data storage capabilities for scientific research on and systematic observation and monitoring of the marine environment.

(d) To provide improved forecasts of marine conditions for safety and efficiency of maritime operations, and inhabitants of coastal areas.

Activities

Management-related activities

129. Sections 1, 2, 3, and 5 of this paper address management priorities for specific resources. In conjunction with those, coastal States should adopt special measures to cope with potential climate change and sea level rise. Of utmost priority is the need to develop globally accepted methodologies for coastal vulnerability assessment, modelling and response strategies particularly for priority areas, such as small island, low-lying States and critical coastal areas.

130. Coastal countries with the cooperation of relevant United Nations Agencies could establish research priorities to address critical uncertainties for ocean and coastal area management. They could identify on-going and planned programs of systematic observation of the marine environment, with a view to integrating activities and establishing priorities. Research priorities include:

(a) Living resources potential, optimal fishing regimes and acceptable levels of exploitation including the species life cycle and migration to identify critical areas and life stages.

(b) Fate and effect of all forms of chemical pollution, toxic phytoplankton blooms in coastal ecosystems.

(c) Human health related to consumption of fishery products from marine and coastal ecosystems.

(d) Development of appropriate and new marine technologies to utilise under-exploited resources, for aquaculture, food processing and for pollution control including marine environmental accountancy as a management tool.

(e) Response of critical or sensitive marine ecosystems and rehabilitation strategies of degraded areas relevant for coastal sustainable development.(76)

Data and Information

131. Improved systems to collect, synthesize, and disseminate data and information on coastal and marine systems are essential to reduce uncertainties and improve predictability. The Global Ocean Observation System (GOOS) of the IOC is being designed to provide some of the required information. An effective system must contain more elements than GOOS. States and relevant international organizations should provide analyses into appropriate international data networks. Specifically, States should:

132.

(a) Support development of the multi-parametric cross-disciplinary global ocean systematic observation of nearshore and coastal areas to build an understanding of climate change, e.g. GOOS (Document A/CONF.151/PC/70.)(74(c))

(b) Create regional accessible and readily-transferred multi-sectorial information bases, covering the results of research and systematic observation programmes, linked to existing data and information services and mechanisms for communicating these results to decision makers (including environmental managers) and the public in general.(72)

(c) Endorse the storage and archiving of, as well as [access] [exchange of] to, data and information collected in marine scientific research and systematic observation programs through the World Data Centers.

Capacity Building

133. Recognizing the need to acquire new information on oceans to address all marine-related management topics, including climate change, nations agree to:

(a) Establish funding mechanisms for an inter-disciplinary systematic observation system through coordination among United Nations Agencies and development agencies including a programme on marine technology and engineering and to help ensure implementation of on-going and planned global and regional ocean climate-related research programmes.(73)

(b) Offer technical cooperation, with the participation of relevant international organizations, in developing the capacity of coastal States to carry out and participate in research and monitoring, as well as to assimilate its results.

(iv) International and Regional Cooperation and Coordination.

134. Relevant United Nations Agencies should develop and integrate [monitoring] and systematic observations networks and establish high-level inter-agency coordination and monitoring and systematic observation mechanisms. This would include a comprehensive review of existing national, regional and global data bases. These activities would involve as appropriate:

(a) Mechanisms to develop comparable and compatible techniques, validation of methodologies and measurements, regular scientific review, agreed formats for presentation, including Geographic Information Systems and storage, and communication of the information gathered to potential users.

(b) Systematic observation and monitoring of coastal habitats, inventories of marine pollution sources and fisheries statistics.

[(c) Assurance that the GOOS contains capability to systematic observation monitor coastal as well as deep ocean features such as sea level changes and pollution.]

(d) Better representation of agencies dealing with the marine environment (IOC, IMO) in United Nations-wide coordination efforts.

(e) Better coordination of international and coastal and marine programmes

(i) Consider the development of improved relationships among the relevant international organizations (UNEP, UNESCO, IOC, WMO, IMO, FAO, IAEA, UNLOS secretariat, IAEA), including strengthening ICSPRO, the Inter- Secretariat Committee on Scientific Programs Related to Oceanography.

135. Develop and integrate regional [monitoring] [systematic observation] programmes into the UNEP Regional Seas Programmes which would contribute to the implementation of global ocean and coastal observing systems. The long-term systems should be based on the principle of [full and open] exchange of data. Monitoring should be capable of predicting the effects of climate related emergencies on existing physical, socio-economic coastal infrastructure (e.g. human settlements, industries, tourism, communication, ports and aquaculture). Site-specific analysis of sea level rise effects and temperature elevations on sensitive coastal ecosystems and lagoons and economically important species will also be necessary.(75)

Means of Implementation/Resource Requirements

TO BE FURTHER DEVELOPED.

(i) Human Resource Development
(ii) Scientific and Technological Infrastructure Development
(iii) Costing and Financing

E. STRENGTHENING INTERNATIONAL, INCLUDING REGIONAL, COOPERATION AND COORDINATION

Basis for action

136. In order to effectuate the strategies and activities as elaborated upon in the other Programme Areas with respect to oceans [and coastal areas] and to ensure the integration of environment and development aspects, existing institutional arrangements at national, regional and global level need adjustment and strengthening. There are numerous global and regional institutions with competence in marine issues. A comprehensive convention and a number of other legal instruments deal with the various aspects of ocean [and coastal] affairs. With increasing attention to issues relating to the oceans [and coastal areas], it is important that Governments be able to consider interrelated problems as a whole, and thus identify important issues.

priorities and strategic planning needs, promote intra-and interregional cooperation, and mobilize funding building upon existing mechanisms within the United Nations system, there is a need to ensure the existence of regular and effective intergovernmental discussion and mechanisms for coordination among the relevant agencies and bodies concerned with ocean [and coastal]-related activities, particularly in environment and development aspects.

137. Similarly attention is required to intergovernmental and intersecretariat cooperation and coordination are needed at the regional level, where a number of bodies already exist both within and outside the United Nations system.

138. The United Nations Convention on the Law of the Sea contains a comprehensive global framework and lays down basic rights and duties relating to environment and development activities with respect oceans. Acceptance of these rights and duties and other relevant international agreements forms an important basis for international coordination and cooperation. Within this framework, wider acceptance of related conventions could also enhance international cooperation and ensure their coherent and harmonized development.(55)

139. Settlement of disputes, [such as on trade and environment, should be dealt with in appropriate bi-lateral, regional and international fora, e.g. GATT. In accordance with established international rules and dispute settlement agreements Exhaustive and full use of expertise available in major international organization shall be made.][should be dealt with in appropriate bilateral, regional and international forum in accordance with multilalteral standards to be agreed upon, givin due consideration to concerns on sustainable development. Exhaustive and full use of expertise available in relevan international organisations should be made. Pending enactment of such standards, States should refrain from taking umilaterally non tariff measures to protect a given marine resource.]

140. Governments participating in various international fora often represent the interests of different national sectors. In ocean-related fields, where all issues are closely interrelated it is essential that each Government integrate sectoral interest.(56)

Objectives

141.

(a) Ensure, at the regional and global level, consistency among and integration of the various sectoral activities in addressing environment and development matters with respect to oceans [and coastal areas], including those covered in the other programme areas on oceans in Agenda 21.

(b) Ensure that, within the United Nations system, there is opportunity for regular intergovernmental review and consideration of environment and development matters with respect to oceans [and coastal areas] as a whole, and the agreed principles, strategy and standards.

(c) Ensure that there is effective information exchange and, where appropriate, institutional linkage between regional institutions dealing with environment and development matters with respect to oceans [and coastal areas].

(d) Ensure the effective operation of coordinating mechanisms for the components of the United Nations system dealing with environment and development matters with respect to oceans, and other concerned organizations including links with donor and assistance agencies.

Activities

Management

142.

(a) Global

(i) [The United Nations General Assembly should] ensure regular consideration [within the United Nations System] at intergovernmental level of general ocean [and coastal] issues [environment and development matters with respect to oceans] and request the Secretary- General and Executive Heads of United Nations agencies and organizations to strengthen consultative and coordinative mechanisms for this purpose.

(ii) Introduce special arrangements to ensure the participation of all relevant international organizations, including the development and donor agencies;

(iii) Seek scientific advice and consider the use of advisory expert groups [expert groups], as needed;

(iv) Establish reporting arrangements as between the General Assembly and the governing bodies of the United Nations system;

(v) Strengthen consultative and coordinative arrangements within the United Nations system and particularly IOC, UNEP and UNDP, including their regional components, in support of the General Assembly forum and other intergovernmental meetings with broad mandates in ocean [and coastal] affairs.

Regional

143.

(i) Strengthen existing intergovernmental regional cooperation, particularly the Regional Seas Programmes of UNEP, and establish or designate regional, intergovernmental fora where needed, for consultations on questions of harmonizing policies and integrating cooperative activities taking account of environmental circumstances, regional priorities and levels of development;

(ii) Introduce arrangements for the participation of all relevant organizations and bodies, development assistance and donor agencies, as well as of the private sector;

(iii) Ensure collaboration and coordination among all relevant institutions active in a region, including adequate staff representation;

(iv) Arrange within intergovernmental regional cooperation for periodic interregional consultations in support of those conducted at the global level.

Data and Information Capacity Building

144.

(i) Provision of special assistance to States, on request, to improve their capacity to implementing the principles laid down the Law of the Sea Convention and other relevant instruments, including the implementation of the marine scientific research regime as a management tool;

(ii) Development of a central reference point for information on and access to legislation as well as for advice on legislative and related institutional measures for the implementation of legal agreements.

(iii) Preparation of overview reports, to include also identification and examination of general issues, and preparation of summary reports on all United Nations system planning in the oceans [and coastal] sector, incorporating also related activities outside the United Nations system.

(iv) Through system-wide consultations, preparation of agendas and supporting documentation on the following matters;

(a) General policies and planning and identification of priority areas for coordinated effort, with particular emphasis on promotion of integrated marine and coastal area management and national capability-building requirements;

(b) Review and assessment of impediments to implementation and enforcement of global and regional agreements, including their institutional aspects, and of all developments affecting the progressive development of relevant international law, with particular attention to the development of liability regimes and dispute settlement mechanisms;

(c) Review of assistance to developing countries and modes of facilitating collaboration with development assistance and donor agencies, non-governmental organizations and the private sector.

RESOURCES REQUIREMENTS/MEANS OF IMPLEMENTS

Human Resources Development
Scientific and Technological Infrastructure Development
Costing and Financing

(TO BE DEVELOPED)

[G. HUMAN RESOURCE DEVELOPMENT FOR OCEAN [AND COASTAL] MANAGEMENT.
To be developed]

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PROTECTION OF THE OCEANS, ALL KINDS OF SEAS INCLUDING ENCLOSED AND SEMI-ENCLOSED SEAS, COASTAL AREAS AND THE PROTECTION, RATIONAL USE AND DEVELOPMENT OF THEIR LIVING RESOURCES

Options for Agenda 21

Programme areas:

MANAGEMENT OF HIGH SEAS: LIVING MARINE RESOURCES and SUSTAINABLE USE OF LIVING RESOURCES UNDER NATIONAL JURISDICTION

Proposal submitted by Algeria, Colombia, Chile, Mexico, Sweden, Uruguay and Venezuela

For the division of Marine Living Resources, taking into account amendments suggested by delegations as registered in A/CONF.151/PC/WG.II/L.18, into two programme areas, as originally proposed in A/CONF.151/PC/42/Add.6, which are "Management of High Seas: Living Marine Resources" and "Sustainable Use of Living Resources Under National Jurisdiction".

MANAGEMENT OF HIGH SEAS: MARINE LIVING RESOURCES

Basis for action

59. While high seas fisheries contribute to the effective utilisation of resources and to the world supply of protein, management performance on the high seas, has not infrequently been unsuccessful and many resources are overfished.[Management performance on the high seas has not always been successful and several types of resources are overfished]. In a number of high seas areas, the provisions of the United Nations Convention on the Law of the Sea (UNCLOS) are not being implemented as intended. [There are problems of unregulated fishing, vessel reflagging to escape controls, fishing practices such as large-scale pelagic driftnetting and overfishing, lack of surveillance, control and enforcement and, in general, lack of the required cooperation with other States.]

Objectives

[62. Fisheries [must] be managed through ecosystem, multi-species management approaches on the basis of sustainable ecologically sound practices consistent with the best available scientific information, and must be effectively monitored and enforced, in order to ensure conservation and promote optimum utilization of the living resources.

63. Ecosystem and multi-species approaches must be developed and implemented to preserve the biological diversity and productivity of marine species and maintain the ecological relationships among populations of such species.]

66. Selective fishing gear and practices should be used to [avoid] [minimise] significant waste of catch of target populations of marine species and the significant bycatch of non-target species.

[66bis. The full implementation of General Assembly Resolution 44/225 on large-scale pelagic driftnet fishing.]

69. [On the high seas, States fishing a stock which straddles the 200 mile limit of a coastal State, for highly migratory species which are found within that limit], [must] take all measures necessary to give effect to the special interest and responsibility of the coastal State concerning the portion of the stock outside the 200 mile limit [and in the highly migratory species while outside that limit]. High seas fishing [must] not have an adverse impact on the resources under the jurisdiction of coastal States].

70. Over the next few years, effective regional and international mechanisms and strategies should be developed and implemented where appropriate, through cooperation between high seas fishing states, coastal states and relevant international organizations and existing regional and international mechanisms should be reinforced where appropriate to:

a) Conserve and make full sustainable use of the living marine resources of the high seas, and to improve the status of those which are depleted.
b) Define and identify management units based on large marine ecosystems concepts.
c) Provide for the negotiation of appropriate international agreements.
d) Establish appropriate exploitation regimes for stocks whose life cycles encompass both the high seas and EEZ's.

Activities

General

[72. [Assessment] [Promotion] of fishing methods to minimise adverse impacts of fishing on target and non-target species, other users and marine ecosystems;]

[72. Assessment of fishing methods and banning of unsustainable fishing techniques, such as large scale pelagic driftnet fishing in accordance with General Assembly 44/225, in order to minimise adverse impacts of fishing on target and non-target species, other users and marine ecosystems.]

73. Development and sharing of analytical and predictive tools such as stock assessment and bioeconomic models to assist in risk management and decision-making;

74. [Cautious handing of] [Harmonizing with] all situations dealing with risk, uncertainty and irreversibility;

75. Integration of environmental factors in management;

76. Acquisition of all the data, current and historic, necessary for effective management of fisheries resources including data on catch and effort, by-catch and the impact of the fishing on other users and the marine environment;

77. Promotion of regional fisheries management bodies [to cover the gaps in the existing coverage of the world's oceans;]

81. [Marine mammals. Continuing consultations.]

[- Affirm the validity of the 1972 U.N. Conference recommendation that there should be a 10 year moratorium on Commercial Whaling and call for its full implementation by extending the present moratorium on commercial whaling until 1995/96;

- Welcome the IWC report on small cetaceans and urge IWC to continue to strengthen this work, and governments specifically concerned to act promptly on the recommendations of the IWC's Scientific Committee on this issue;

- Call for an international conference with the widest possible participation to be convened by 1995 to review the international machinery for the protection of all cetaceans, and to consider the most effective means for providing cetacean research, conservation and management into the 21st century.]

[Support the International Whaling Commission in its efforts to ensure proper and effective conservation and development of large whale stocks.

Same efforts for conservation of other depleted or endangered marine mammals should be made by countries and appropriate international bodies.]

[- Acknowledge the principles of sustainable use in all dealings with marine mammals resources, and recognize the special needs of developing countries and indigenous peoples of the marine resources of their nutritional and economic development.

- Support the IWC in its efforts to restore stocks of highly migratory species of whales and call for increased scientific research and advice to fulfil this effort.

- Support scientific research on small cetaceans with the aim of creating national and regional conservation of these species.

- Support the Bonn Convention in its efforts to promote the establishment of regional agreements on management and conservation of small cetaceans.

- Call on the governments to review and strengthen all possible efforts to counteract pollution threats to all marine mammals.]

32. [Polar regions and specific seas]
[Delete]
[The Antarctic Treaty Parties that singling out Antarctica to be identified as a specific regional issue for consideration by UNCED is inappropriate for the following reasons:

-The Antarctica Treaty provides a tried and tested basis for managing activities in Antarctica.

-In the carefully drafted GA Res. 44/228, neither Antarctica nor any other specific region has been identified as one of the UNCED priority areas.

-UNCED already has a hardly manageable workload; identifying specific regions for priority action within the proposed Agenda 21 would open the doors to unravel a carefully negotiated settlement on priority issues and areas as contained in Res. 44/228.

Consistent with this approach therefore, the Treaty Parties will oppose the inclusion in a possible Agenda 21 of specific references to Antarctica such as those contained i. a. in paragraphs 18, 20 and 34 of Doc. PC/42/Add.6, or as proposed by some distinguished delegates in the course of our debate.]

- [In the Polar regions, through U.N. involvement, to improve and introduce the anticipatory approach and adopt and implement an Antarctic Conservation Strategy, the Arctic Environment Protection Strategy and promote the Arctic Monitoring and Assessment Programme.

The following elements should be included:
-To establish a sanctuary for all cetaceans in its traditional natural habitat.

- -Call upon the ATCP to protect and improve the status of living resources in the Antarctic region, including marine ecosystems and report regularly to the United Nations on its status through the General Assembly.

In relation to Maintenance of Ecosystem and Marine Biodiversity, the following elements should be included:

(a) Call for efforts to prevent overfishing including the banning of prospecting and mining in Antarctica so as to ensure the protection of its environment is for the benefit of all mankind.

(b) Call for the establishment of a nature reserve or World Park in Antarctica which constitute an integral part of the global commons.

In relation to Strengthening International Institutions and Legal Instruments, the following elements should be included:

- To establish a United Nations sponsored station in Antarctica with the view to promoting coordinated international cooperation in scientific research for the benefit of mankind, particularly the importance of Antarctica to the global environment and ecosystems, as well as an early warning system on climate change and accidents.

- Call for the widest possible participation of the international community to review and negotiate a comprehensive convention on the Conservation and Protection of Antarctica.]

Management Related

86. States [must] effectively monitor and control fishing activities of their nationals vessels and crews thereof to ensure the conservation of the resources, compliance with applicable conservation and management rules, complete and accurate reporting of catches and effort, and [avoidance][minimisation] of incidental catch.

87. States [must] ensure that vessels authorized to fly their flag comply with the [applicable] conservation and management rules adopted by competent international [or regional] organizations or, where no such organization exists, through other [international] arrangements.

88. States [must] establish penalties under domestic law, and take legal action against their nationals, vessels and crews thereof, for any violation of [applicable] rules adopted by competent international [or regional] organizations or, where no such organizations exist, through other [international] arrangements, whether such violations are committed directly or through resort to techniques such as the reflagging of vessels in foreign countries. States must take similar action for any violation of domestically instituted conservation and management rules.

89. States whose nationals or vessels fish in the same area of the high seas [must] cooperate to establish international [or regional] arrangements or organizations to ensure sustainable and optimally developed fisheries through effective conservation and management regimes, including as appropriate [reciprocal inspection and] enforcement systems and dispute settlement mechanisms.

90. [States [must] cooperate with competent international organizations or, where such organizations do not exist, through other international arrangements, and ensure that their nationals, vessels and crews thereof, do not violate rules adopted pursuant to such regimes].

91. In areas of the high seas where a management regime has been agreed within the framework of a [competent international [or regional] organization] or, where such an organization does not exist, through another [international] arrangement, States [must] ensure

that high seas fishing is undertaken only in accordance with the conservation and management rules adopted under that organization or arrangement.

92. [With respect to a stock occurring both within the exclusive economic zone of a coastal State and in an area of the high seas adjacent to it, the management regime applied to the stock [must] provide for consistency of the measures applied on the high seas with those applied by the coastal State within its exclusive economic zone; [high seas fisheries [must] not be directed toward the stock when the stock is fully utilized by the coastal state within its exclusive economic zone].

93. [With respect to a highly migratory species, the management regime on the high seas [must] fully recognize the sovereign rights of the coastal State in its exclusive economic zone and, taking into account the special interest of the coastal State in the species while outside its zone, avoid adverse impact on the resource within that zone].

Data and Information

94. The transparency of high seas fishing activities [must] be ensured. States [must] make available to appropriate international [or regional] organizations all relevant data relating to catches on the high seas. The relevant international [or regional] organizations should establish appropriate monitoring programmes including the standardized collection of scientific data and the deployment of scientific observers.

Global and Regional Cooperation and Coordination

95. The international community should strengthen capacities for collaboration between regional and global [international] fishery bodies [dealing with conservation and management of the oceans and seas. The], the United Nations Environment Programme Regional Seas Programme should be strengthened and the following action should be taken:(20)

(a) Relevant UN or other international Agencies should develop guidelines for better implementation of the Law of the Sea Convention (UNCLOS). FAO should prepare technical guidelines on responsible fishing in the high seas.

(b) Countries together with relevant international fisheries organizations and UN Agencies should establish programmes and special agreements to protect endangered species and stocks and to establish appropriate exploitation regimes for all stocks and species including those whose life cycles encompass both the high seas and EEZs. [This should include banning unsustainable fishing techniques and practices and restriction of less sustainable techniques and practices.][Delete.]

96. Relevant UN bodies and other international agencies could develop collaborative technical and research programmes to improve understanding of species life cycles and migration, identifying critical areas and life stages.(21)

(a) Countries with the assistance of relevant UN and other international Agencies and non-governmental organisations, could identify linkages between EEZs and high seas resources and could develop further the concept of large marine ecosystems and its potential for practical application in ocean management regimes.

[(b) FAO and other international agencies should assess resources potential, optimal fishing regimes and acceptable levels of exploitation and develop reliable international monitoring, control, surveillance and enforcement systems.]

(c) Regional fisheries bodies should link information systems which have part of the high seas ecosystem under their responsibility and inventory all stocks (target and non-target) in order to set up rehabilitation measures where appropriate.

(d) GATT assisted by the FAO, should strengthen international technical cooperation mechanisms in relation to high seas stock-commodities with a view to identifying and eventually eliminating inappropriate trade barriers and assisting in preventing the evasion of international management regimes.

[96bis. States should develop multilateral standards dealing with the interlinkages between trade and the protection of living marine resources, taking into account concerns on sustainable development.]

Means of Implementation and Resource Requirement

Human Resources

(To be completed)

Scientific and Technical Infrastructure

(To be completed)

Financing and Costing

(To be completed)

D. SUSTAINABLE USE OF LIVING MARINE RESOURCES UNDER NATIONAL JURISDICTION

Basis for action

58. The conservation and management of marine living resources should take place on the basis of sustainable utilization. This is of social, economic and nutritional importance, and contributes to national food security, not least to developing countries and indigenous peoples. The special status of indigenous peoples should be recognized including their rights to utilization and protection of their habitats on a sustainable basis.

60. World oceans yield about 80-90 million tons per year, 95% of which comes from EEZs. They provide healthy food and livelihoods to millions of people in coastal areas. However, many countries continue to face mounting problems related to implementation of their rights and obligations under UNCLOS, including local overfishing, [poor management performance] unauthorized incursions by foreign vessels, ecosystem degradation, increased stock fluctuations, overcapitalization, excessive fleet sizes, inefficiently selective gear, unreliable data bases and inadequate information about their resource base, increasing competition between artisanal and industrial fishing and between fishing and other types of activities. (22)

61. Problems extend beyond fisheries. Coral reefs and other largely tropical coastal habitats such as seagrass communities, mangroves and estuaries among the most highly diverse, integrated and productive of the earth's ecosystems. They often serve important ecological functions, provide protection from hazards of the open sea, and are critical natural resources for food, energy, and economic development. In various parts of the world such coastal and marine systems are under stress or threatened due to factors ranging from local cultural practices to changes in sea temperature and or sea level.

[Objectives

71. The objective would be to build national capacity over the next 10 years to make full sustainable use of the EEZs.(23)

General

64. [States must] [States in accordance to their national legislation and policies could] ensure as far as practicable that human activities do not result in the decrease of any population of marine species with special attention to marine mammals and sea turtles, below a level at which its recruitment is stable , but preferably not below a level close to that which ensures the greatest net annual increment; populations of marine species that have been depleted by harvesting should be restored to these levels.

65. Data and information [must] [should] be obtained [by States with the cooperation of international organisations], including verifiable catch and effort statistics, on the commercial harvesting of populations of marine species, including by-catch, adequate to reliably assess and predict the effects of such harvesting.

66. Selective fishing gear and practices should be used to [avoid] [minimise] significant waste of catch of target populations of marine species and the significant bycatch of non-target species.

[67. States should ensure that each population of marine species that is the target of fishing [exploitation] activities is harvested in areas and at the stage of its life cycle that ensures maximum economic efficiency, consistent with these principles.]

68. Fish [marine species] for human food, should take priority over other uses, and the amount available for human food should be increased by avoiding wastage and improving techniques of capture [harvest], handling and transportation.]

Capacity Building

83. Each coastal country could establish:

a) A unified policy framework and intergovernmental mechanisms for coastal management and marine resources management through a permanent consultation between the decision makers and the users.

b) Procedures to involve the coastal communities the academic and private sector in the development and implementing programmes.(64)

84. Member States could create an interministerial mechanism, within the national planning and development bodies, for policy-making and long term planning on oceans and coastal areas. The main tasks could include the following:

a) Rationalize and/or coordinate sectoral responsabilities for oceans and coastal areas within governments and establish a reviewing mechanism to up-date and enforce relevant national legislation to ocean management and coastal development.

b) Establish advisory bodies for broad consultation to stimulate participation with local administrations, the business community, the academic sector, user groups and the general public.

c) Include institutional capacity building in agreements between development aid bodies and developing country institutions.(66)

85. Relevant regional agencies could assist coastal countries in improving the scientific, technological, professional and related institutional capacities.

a) Identify existing capabilities and existing facilities within the countries of the region; determine the needs of human resources, the scientific and technical infrastructure required and potential for expansion in regional marine and coastal areas research, training, management and technologies.

b) Establish and maintain regional centres capable of assisting countries in analysing information and assessing the principal environmental problems, in reinforcing surveillance and implementing environmental impact assessment and monitoring programmes with predictive capabilities.

c) Prepare national and regional contingency and emergency plans, standard techniques for monitoring species and habitats and develop geographic information systems for spatial planning in coastal areas. To establish the appropriate legislation to protect the marine and coastal ecosystems.

d) Create special programmes to assist island States to integrate environment and development in the planning process for their limited areas and resources.

e) Establish programmes on marine environmental education and enhance public awareness of the role of the marine environment for society.(68)

Management Related

97. Coastal states could establish systems to regulate accessthrough licensing, explicit user's rights, limited entry, space allocation, closure zones and economic instruments; and domestic and

international collaborative mechanisms on
issues related to migratory fish [and long range fleet monitoring and control.]

98. Coastal States could strengthen environmentally sound artisanal fishing technologies, collaborate with traditional coastal communities for the elimination of unsound ones, and strengthen training and extension services in coordination with rural agriculature services together with appropriate financing mechanisms.

99. Coastal States could ensure that, in their negotiation and implementation of international agreements on the conservation of living marine resources, indigenous peoples are represented and their interests in particular their right to subsistence, are secured.

Data and Information

100. Coastal states together with UN and other international agencies could complete/update living resource and critical habitat inventories of EEZ's, at national and regional levels (coastal wetland, mangroves, seagrass beds, etc.) and develop legislation to protect them. FAO could develop methodologies to improve assessments in data-limited situations for the analysis of interactions between sectors and management under uncertainty.(25(a))

101. Coastal States could establish and improve data collection systems, and, when appropriate, provide the necessary data to regional and global fisheries bodies.

Capacity Building

102. National policy, legal and regulatory frameworks could be completed with the assistance of relevant international organizations looking toward improved enforcement capacity, investment and financing including joint venture agreements, regulation of access, enhancement of small-scale fisheries, the improvement of seafood quality and rationalisation of trade.(24)

103. Information systems, training and management-oriented research programmes could be implemented to provide a framework incorporating the ecosystem management approach at the national and regional level.(25)

104. Mariculture and coastal aquaculture potentials could be developed. National analyses for potential mariculture, coastal aquaculture (areas, species and methodologies) and other improvements e.g. artificial reefs, in each developing coastal country could be developed within ten years within a framework of Integrated National Planning.

105. Coastal States could take steps to enhance the productivity and utilization of their marine living resources in terms of food production and income production from food products, pharmaceutical products, and recreational, cultural and aesthetic uses.

106. Coastal states could develop systems for the recognition, recording and application of community based traditional knowledge concerning marine resources and ecosystems and incorporate them into modern management systems in collaboration with the people and community concerned.(29(d))

Global and Regional Cooperation and Coordination

107. Relevant UN and other international agencies should assist coastal countries to complete their legal and policy frameworks in line with UNCLOS, as well as to improve management methods including control and surveillance and provide assistance to developing countries for research and development of economic uses of marine living resources. They should prepare guidelines for [responsible] [environmentally sound]fishing with a view to reduce wastes, protect endangered species, reduce pollution [from fishing] and improve fishing gear efficiency and selectivity. [They should also provide for the transfer of environmentally sound technology to developing countries to develop their fisheries, and to replace fishing practices identified as harmful to marine species.][As related to fishing practices which become harmful to marine species because of significant ways of catch or significant bycatch of non-target species, in relation to the development of new technologies, new standards should be reached through international agreements. These agreements will provide for the transfer of the new environmentally sound technology to developing countries and the provision of new additional funds for its implementation.](24(a))

108. Relevant UN and other international agencies should prepare a set of guidelines for potential application of a precautionary approach to living resources management; the concept of the Marine Catchment Basin for enclosed seas, as well as the ecosystem management approach and "large marine ecosystems" concepts, including the practical implications and applications.(25(c))

109. FAO should prepare guidelines for [responsible and] environmentally sound intensive aquaculture to reduce environmental impacts and develop plans for basic, strategic and applied research especially on rural aquaculture.(26(b))

[109bis. States should develop multilateral standards dealing with the interlinkages between trade and the protection of living marine resources, taking into account concerns on sustainable development.]

110. The international community should develop/improve markets to promote direct human consumption of fish and to enhance the contribution of subsistence fisheries. (27(c)) .

111. Relevant UN Agencies should establish a methodology to assess the nutritional and healthimpacts of fishery policies and projects.(27(d))

112. Relevant United Nations programmes and agencies could provide to traditional coastal communities of indigenous peoples and, in developing countries, to subsistence fishermen [fisherfolk] the technical and financial assistance to organize and maintain global networks for the exchange and improvements of traditional and scientific knowledge of marine resources, their protection and environmentally sound use; and for the study and development of traditional management systems.

Means of Implementation/Resource Requirements

113. Relevant United Nations Agencies, donor community and development agencies could adopt a funding coordinating mechanism to assist all coastal States to build national and regional capacities for ocean and coastal areas management.

Human Resources

114. The regional bodies could develop multidisciplinary training and research on marine living resources, particularly in social and economic sciences as well as in the use of geographical information systems.(25(b))

115. A framework to support artisanal fisheries and small-scale use of living marine resources and, in developing countries, subsistence fishermen could be developed at national and regional levels and encourage equitable participation of women and indigenous peoples.(29)

116. Countries could integrate small-scale fisheries development in coastal zone planning, and create and encourage representation of fishermen and communities in planning management bodies.(29(a))

117. Countries could encourage for community-based users, including traditional coastal communities, women's groups and minorities/indigenous people, increased rights and responsibilities for management and enforcement [on fishing and non-fishing concerns including eco-tourism]; allocate marine resources equitably among small-scale, large-scale and sport fisheries [providing priority for the subsistence of minorities/indigenous peoples] ; and set a system for small-scale fishworker rights.(29(b))

(B) Scientific and Technical Infrastructure

118. Countries could implement the FAO/ICES Code of Practice for Consideration of Transfer and Introduction of Marine and Freshwater Organisms and regional bodies could transfer available safe technologies and establish cooperative programmes with national centres.(26(c))

119. Improving seafood quality [and fisheries based industrialisation including deep-sea fishing for developing countries, in particular it] will be crucial for promoting trade and meeting social goals linked to nutrition and health.(27)

120. Countries could agree on global quality assurance systems(27(a))
in order to improve consumer confidence and maximize economic returns.

121. Countries with the assistance of FAO could develop programmes to improve handling and processing, reducing post-harvest losses and discards.(27(b))

122. Coastal states could strengthen environmentally sound artisanal and subsistence fishing activities, collaborate with traditional coastal communities for the elimination of unsound ones and strengthen training and extension services in coordination with rural agriculture services together with appropriate financing mechanisms.(29(c))

Financing and Costing

123. Development agencies and donors should provide technical and financial support through regional organisations.(28(a))

124. Countries could utilize development funding for habitat management [and for action oriented research projects to immediately address prevailing problems].(24(c))

125. FAO should assist countries to develop a program for transfer of management methods and environmentally sound fishing technology, particularly for small scale fishing and for the protection of resources with low resilience (marine mammals, sharks), [and trade in tropical fishing for the aquarium business as well as trade in corals.](24(d))

EAU DOUCE

RÉSUMÉ

Généralement parlant, l'eau douce n'a pas été un problème litigieux à la troisième réunion du Comité préparatoire (PrepCom III). Selon l'entente générale, le plan d'action de Mar del Plata assure une base encore valide pour les plans d'action à mettre oeuvre. Le point principal contesté, commun à l'examen de toutes les questions, est celui des pays en voie de développement qui se sont montrés inflexibles, car à moins d'obtenir des ressources financières, un transfert de technologie et d'autres moyens de mise en oeuvre, exposés de façon précise, ils ont déclaré qu'ils ne pouvaient approuver le programme proposé pour l'eau douce. L'insistance de la Malaisie à mentionner l'Antarctique («sources éventuelles d'eau douce») dans l'Agenda 21 (le Plan d'action pour le XXI[e] siècle), a été systématiquement rejetée par les parties consultatives au Traité de l'Antarctique.

Les principaux objectifs canadiens ont été atteints. Le chapitre révisé relatif à l'eau douce d'Agenda 21 souligne la nécessité de déterminer les mécanismes de mise en oeuvre, la coordination et le financement de toutes les activités, y compris au niveau international. On reconnaît aussi, la nécessité pour les femmes et les populations indigènes de participer à la politique et à la prise de décision aux niveaux local, national, régional et international. En dépit de la tentative de l'Inde visant à découpler la Conférence internationale sur l'eau et l'environnement (Dublin, janvier 1992) du processus de la CNUED, les documents définitifs du PrepCom III invitent la Conférence de Dublin à identifier les options pour les mécanismes de mise en oeuvre, pour que les stades définitifs des préparatifs de la CNUED puissent bénéficier des points de vue des experts réunis à Dublin.

Documentation

A/CONF. 151/PC/73	-	*Background Document* (Document d'information)
A/CONF. 151/WG.II/L.23/Rev.1	-	*Freshwater Resources: Decision* (Ressources d'eau douce : Décision)
Annexe à L.23/Rev.1	-	*Revised Draft Options for Agenda 21* (Ébauche révisées d'options pour Agenda 21)

DISCUSSIONS DU PREPCOM

Voici les objectifs canadiens :

- s'assurer que la nécessité d'améliorer les dispositions en vue de la gestion de l'eau (aux niveaux international, régional, national et local) soit reconnue;

- fournir une orientation à la Conférence internationale sur l'eau et l'environnement (CIEE) qui doit avoir lieu à Dublin, pour s'assurer que la Conférence propose des mécanismes appropriés de mise en oeuvre, de coordination et de financement des stratégies et des programmes d'action qu'elle présentera à la CNUED;

- par l'entremise de discussions informelles, tester l'acceptabilité des options possibles pour améliorer la mise en oeuvre et la coordination des programmes en matière d'eau;

- s'assurer qu'Agenda 21 incorpore la nécessité de la participation des femmes et des peuples indigènes dans les politiques et la prise de décision aux niveaux local, national, régional et international.

Les délégués et les organismes non gouvernementaux ont présenté environ 50 communications lors de la phase initiale de la discussion qui étaient principalement centrées sur les options du document pour Agenda 21. Il y eut accord général au sujet de la structure globale du document et des thèmes de son programme qui étaient tirés de l'étude du plan d'action de Mar del Plata, entreprise récemment par le groupe inter-secrétariat sur l'eau des Nations Unies. Toutefois, plusieurs délégations, y compris celle du Canada, ont souligné les incohérences existant entre Agenda 21 et le document qui décrit les objectifs et la structure de la Conférence de Dublin.

De nombreux pays en voie de développement ont souligné que les aspects développement de la gestion des ressources en eau méritaient plus d'attention dans Agenda 21 et que l'absence d'une discussion au sujet des ressources financières était une grave omission. Selon leur position, en l'absence de ressources financières, on verra vraisemblablement peu de progrès pratiques dans le règlement des problèmes liés à l'eau.

Au cours de nombreuses interventions ont a répété ou confirmé ce qui était déjà énoncé dans le document, par exemple :

- il ne faut plus considérer l'eau comme une denrée gratuite;

- la gestion intégrée des ressources d'eau doit être le point central du chapitre sur l'eau douce dans le cadre d'Agenda 21;

- les mesures de conservation de l'eau et la réduction des déchets doivent être encouragées.

- la capacité de surveillance et d'évaluation des ressources en eau, l'établissement de normes de qualité et de contrôle de la pollution et leur observation doivent être renforcées dans de nombreux pays;

- il est aussi nécessaire d'améliorer nettement d'autres secteurs tels que l'instruction et la formation, ou le renforcement de l'infrastructure institutionnelle ainsi que le fonctionnement et l'entretien des usines de traitement et d'autres installations utilisées pour l'eau et son évacuation;

- les services d'approvisionnement en eau et les services sanitaires nécessitent davantage de développement;

- la recherche et le développement devraient être encouragés dans des secteurs clés comme l'hygiène publique peu coûteuse, les technologies de conservation de l'eau et les technologies améliorant l'irrigation.

Quelques pays ont rejeté les propositions ayant trait à l'eau douce pour Agenda 21 comme étant insuffisantes ou mal orientées. L'île Maurice a déclaré que les propositions étaient trop académiques et qu'il fallait penser aux personnes qui seraient visées. Par exemple, la proposition d'établissement d'un prix pour l'eau a été rejetée. «Si le coût de l'eau propre est élevé, les pauvres devront en revenirr aux sources traditionnelles qui ont été polluées par les activités industrielles et autres». Au lieu d'établir un prix pour l'eau, on a suggéré que des taxes soient imposées aux multinationales qui ont des exploitations dans ces pays.

Le rôle de la Conférence de Dublin a été mentionné dans de nombreuses interventions. Bien que certaines de celles-ci aient souligné l'importance de la Conférence de Dublin pour élaborer des options et des recommandations à prendre en considération ou à appuyer à la CNUED, il devint clair que le processus Dublin-Rio nécessitait un éclaircissement concernant la finalité de la réunion de Dublin. Plusieurs délégations, celle du Canada en particulier, ont souligné que PrepCom doit se concentrer sur le fait de s'assurer que Dublin propose des options pour la mise en oeuvre, la coordination et le financement de stratégies et d'actions qu'il présentera à la CNUED.

Le Danemark, au nom du groupe nordique, la Suède dans une intervention séparée, et l'organisation météorologique mondiale sont intervenus pour soulever la question de la situation financière critique de la Conférence de Dublin. Il lui manque apparemment environ 1 million de dollars, soit à peu près les deux tiers des coûts prévus. On a demandé à certains pays et aux organismes des Nations Unies du groupe inter-secrétariat pour l'eau de verser ou d'augmenter leurs contributions aux fins de

finacement. La Suède a annoncé son intention de verser un supplément de 80 000 $ au fonds.

Pendant les deuxième et troisième semaines, des révisions apportées au document d'Agenda 21 ont fait l'objet de travaux, d'abord en petits groupes d'ébauche volontaires et ensuite dans le cadre de consultations informelles du Groupe de travail au complet. Initialement, il y a eu une certaine confusion au sujet de ce que le groupe devait rédiger et de la documentation à présenter à Dublin. Certaines délégations s'inquiétaient de ce qu'un document considérablement révisé d'Agenda 21, préparé essentiellement par le secrétariat, ne devrait pas aller aux spécialistes de la Conférence de Dublin avant d'être présenté aux délégués de PrepCom IV. En conséquence, le Groupe de travail s'est attelé à la tâche de négocier le document d'Agenda 21 pendant PrepCom III plutôt que de donner une orientation au secrétariat pour faire ce travail entre les sessions. Le Groupe de travail a aussi produit un document de couverture relatif aux décisions donnant des directives à la Conférence de Dublin et des instructions au secrétariat pour poursuivre le travail concernant les options eau douce d'Agenda 21 pour PrepCom IV. La Communauté européenne a préparé le document initial de l'ébauche de décision, qui satisfait entièrement le Canada car elle s'est appuyée sur une ébauche canadienne.

Le document du groupe d'ébauche relatif à l'eau douce a été un test efficace du processus du Groupe de travail II, dans le cadre de PrepCom III, en ce sens que c'était le premier à être présenté à des consultations informelles du Groupe de travail au complet. Le libellé au sujet duquel on n'aurait pas été d'accord, ou qui n'aurait pas été entièrement développé, à la fin du processus resterait entre parenthèses pour être examiné par PrepCom IV. Il devint vite apparent que les documents du groupe d'ébauche ne passeraient pas facilement. La plupart des révisions proposées concernaient les points soulevés dans le débat initial décrit ci-dessus. Les pays en voie de développement s'inquiétaient au sujet des ressources nécessaires pour entreprendre les activités proposées et l'insistance de la Malaisie à inclure l'Antarctique, même de façon détournée, dans Agenda 21 relatif à l'eau douce a fait l'objet de discussions interminables.

La délégation tunisienne a déclaré au nom de 28 pays en voie de développement que tout le document devrait être mis entre parenthèses, en ce qui concerne l'eau douce et toutes les autres questions, à moins que chaque secteur de programme ait une section relative aux moyens de mise en oeuvre, identifiant clairement la nécessité, entre autres, de nouvelles ressources financières additionnelles ainsi que le transfert de technologie. La délégation malaysienne a proposé plusieurs ajouts se rapportant aux sources d'eau «possibles» (c'est-à-dire l'Antarctique) qui ont été rejetés chaque fois par la délégation allemande. Plusieurs autres propositions ont nécessité une remise en ordre importante du texte et de nombreuses interventions avaient des répercussions sur la structure de la Conférence de Dublin. À la fin des consultations informelles, après une négociation laborieuse, la plus grande partie du document est restée entre

parenthèses et, tout comme dans le cas de toutes les autres questions, les aspects critiques des moyens financiers et technologiques pour mettre en oeuvre ces activités sont reportées à PrepCom IV.

À la réunion formelle finale du Groupe de travail, qui consiste d'habitude à entériner simplement les documents négociés au cours des consultations informelles, la délégation indienne a défié le rôle de la Conférence de Dublin en ce qui a trait à la CNUED. Citant son inquiétude pour la prolifération de réunions de spécialistes et les lourdes charges sur les capacités des pays en voie de développement qui doivent y participer, l'Inde a l'intention de garder le processus de la CNUED aussi autonome que possible. Elle propose des révisions des documents de décisions finales donnant une orientation pour que Dublin se détache de la CNUED : Dublin serait invité à «examiner» le résultat de PrepCom III et à présenter un rapport à PrepCom IV, mais ne serait pas invité à déterminer les options ou à se concentrer sur un aspect particulier quelconque, comme celui des mécanismes de mise en oeuvre. Le Canada s'est opposé aux propositions indiennes, en répétant son désir de voir la Conférence de Dublin offrir l'avantage d'un examen centré sur les questions critiques déterminées par PrepCom III, pour que les conclusions de Dublin bénéficient ensuite autant que possible à PrepCom IV. Après des discussions en privé, on a obtenu la rédaction d'un compromis. Dublin est invité à «examiner» plutôt que «passer en revue» les résultats de PrepCom III et à présenter son «rapport sur les résultats de la réunion» plutôt que ses «recommandations» à PrepCom IV; le Canada accepte ces modifications, étant donné que le libellé original invitant Dublin à déterminer les options des mécanismes ne sont pas modifiées.

RÉSULTATS ET ÉVALUATION

Les principales inquiétudes du Canada sont bien exposées dans les documents de PrepCom III. Le document sur la décision finale reconnaît la nécessité d'élaborer des mécanismes pour la mise en oeuvre d'Agenda 21 et l'importance de la Conférence de Dublin dans le processus de la CNUED. En dépit du défi de dernière minute de la délégation indienne, il renferme une invitation à la Conférence de Dublin de déterminer et de recommander des mécanismes de mise en oeuvre. Le document révisé d'Agenda 21 renferme un énoncé renforcé concernant la participation des femmes et des peuples indigènes à la politique et à la prise de décisions à tous les niveaux.

Globalement, le Canada a réalisé la plupart de ses objectifs en ce qui concerne l'eau douce lors de PrepCom III. La nécessité d'améliorer les dispositions concernant la gestion de l'eau aux niveaux local, national, régional et mondial a été énoncée de façon claire dans l'intervention canadienne et appuyée par d'autres pays, tant dans le cadre de leurs interventions formelles que dans celui de discussions informelles. Deuxièmement, le Canada a influencé avec succès la forme du document de décision

finale de PrepCom en vue de s'assurer que l'on demande à la Conférence de Dublin de déterminer les options pour les mécanismes de coordination et de mise en oeuvre du programme en matière d'eau. Le troisième objectif, visant l'essai de l'acceptabilité des propositions ou des options pour les mécanismes de mise en oeuvre, a présenté quelques difficultés. En se fondant sur des discussions informelles avec des délégués, il y a eu une entente assez large sur des options appropriées pour des mécanismes aux niveaux local, national et régional. À titre d'exemple, il y a eu : les réserves d'eau locales, l'engagement de la collectivité, les organismes d'eau nationaux et les instruments transfrontières, comme les commissions mixtes, et les instruments juridiques comme la convention de l'eau transfrontière de l'ECE. Des mécanismes au niveau international, soulèvent cependant des préoccupations au sujet de la création de nouvelles institutions.

La question du Conseil mondial de l'eau a été donc abordée avec précaution. Il y eut une répugnance marquée concernant la création de nouvelles institutions et administrations, et bien que les nouveaux mécanismes ne soient pas exclus, ils doivent être vus comme répondant à un besoin convenu et bien articulé. Les pays nordiques étaient au courant de la proposition canadienne et bien que ne l'excluant pas, ont indiqué que le concept nécessitait un éclaircissement et une certaine justification. Les réunions de Copenhague et Dublin ont fourni une occasion importante au Canada de tester la question de l'eau douce avant PrepCom IV. Une stratégie doit être élaborée aussitôt que possible pour profiter de ces tribunes.

A/CONF.151/WG.II/L.17/Rev.1

PROTECTION OF THE QUALITY AND SUPPLY OF FRESHWATER RESOURCES
APPLICATION OF INTEGRATED APPROACHES TO THE DEVELOPMENT,
MANAGEMENT AND USE OF WATER RESOURCES

Draft decision proposed by the Chairman

The Preparatory Committee,

1. Welcomes the report of the Secretary-General of the Conference on the Protection of the Quality and Supply of Freshwater Resources (A/CONF.151/PC/73) and the Options for Agenda 21 on freshwater resources (A/CONF.151/PC/42/ADD.7);

2. Requests the Secretary-General of the Conference to submit to its fourth session for further consideration the annex to this decision as contained in document A/CONF.151/PC/WG.II/L.17 as revised during the informal consultations at this session;

3. Further requests the Secretary-General of the Conference to submit to its fourth session for consideration revised Options for Agenda 21, taking into account, inter alia, United Nations General Assembly resolution 44/228, and the debate and the relevant decisions taken at this session, including on the format of Agenda 21 and means of implementation as contained in document A/CONF.151/PC/L.49;

4. Requests the Secretary-General of the Conference to submit the annex to this decision, as contained in document A/CONF.151/PC/WG.II/L.17 as revised during this session, to the International Conference on Water and the Environment (ICWE), to be held in Dublin and attended by government-designated experts.

5. Invites the ICWE, recalling decision 2/20 of the Preparatory Committee, to:

(a) Consider this material with particular attention to implementation mechanisms, programme targets and costings;
(b) Identify options for appropriate mechanisms for implementing and coordinating the programmes;
(c) Identify options for improved coordination and cooperation on water management at the local, national, regional and global levels;
(d) Submit the report on the results of the meeting to the Secretary-General of the Conference before the fourth session of the Preparatory Committee;

6. Invites the Interagency Steering Committee of the ICWE to harmonize the working group themes of the ICWE with the programme areas of Agenda 21, as contained in the annex;

7. Urges the member organizations of the ACC Intersecretariat Group for Water Resources, and Governments, in light of the acute financial situation, to contribute generously to the preparation and organization of the ICWE;

8. Requests the Secretary-General of the Conference to submit the results of the ICWE to the fourth session, with a factual note identifying cross-references between these results and the revised Options for Agenda 21.

PC.47.Add.1

ANNEX

[PROTECTION OF THE QUALITY AND SUPPLY OF FRESHWATER RESOURCES: APPLICATION OF INTEGRATED APPROACHES TO THE DEVELOPMENT, MANAGEMENT AND USE OF WATER RESOURCES

Options for Agenda 21

I. INTRODUCTION

1. Effectively integrated management of water resources is important to all socio-economic sectors relying on water. Rational allocation prevents conflict and enhances the social development of local communities as well as economic planning and productivity. Efficient demand management allows water-using sectors to make long-term savings on water costs and stimulates resource-conscious production technologies. Health conditions and environmental quality should also improve either resulting from integrated development planning or as a beneficial consequence of improved environmental or social conditions.

Linkages to other Environmental and Developmental Issues

2. Water is a finite resource, essential for the sustenance of life on earth. Virtually all the environmental issues listed in the United National General Assembly resolution 44/228 are directly or indirectly linked to freshwater issues. With increases in economic activities and the consequent potential for stress on ecosystems and natural resource stocks, the study and recognition of linkages between freshwater issues and other sectoral and cross-sectoral issues is becoming increasingly important. Socio-economic pursuit—including urbanization, industrial production and agricultural activities—has reached a stage where freshwater issues have often become the limiting factor for sustainable development. Freshwaters—rivers, reservoirs, lakes and ground waters[, polar ice mass and glaciers]—are in contact with other ecosystems and are used in a variety of human activities, many of which would not be possible without a freshwater supply of adequate quality and quantity.

3. Poor land-use management, including deforestation, non-sustainable agriculture, mining and urbanization, could lead to a considerable increase in erosion problems and related soil loss in the river basins. The sedimentation in large reservoirs may have serious adverse effects downstream by reducing the quantity of natural nutrients available to agricultural land or to coastal waters. The loss of nutrients can lead to increased fertilizer use and decreases in coastal fishery yields. Acidification of surface and some ground waters due to atmospheric deposition of air pollutants can lead to depletion of freshwater living resources, contributing to the loss of biodiversity. Construction of dams for hydropower and irrigation, water channelization, over-abstraction from aquifers, use of water bodies as open sewers for discharge of both domestic and industrial wastes can lead to salinization of rivers, lakes, and soils, salt intrusions in coastal aquifers, and serious water pollution problems. Should global warming occur as a result of climate change it would affect low-lying island freshwater resources and may affect the world's freshwater resources through [the melting of ice mass in the Arctic and Antarctic regions and] changes in the hydrologic cycle, resulting in changes in precipitation, with possible decreases in many areas of the Northern Hemisphere, accompanying decreases in soil moisture and annual river runoff. Even in the absence of global warming, natural variation in precipitation may be expected as in the past, resulting in periodic drought which can impact water availability, with consequent negative implications for economy and development. Because of these concerns, an integrated approach to freshwater management seems vital along with, for example, an integrated approach to pollution control, the optimal use of water and a holistic approach to the conservation of ecosystems.

4. [The existence of transboundary waters and the management decisions relating to their use and protection are of significant importance to their riparian owners. In these circumstances special action may well be necessary to establish appropriate multilateral or bilateral agreements to ensure that riparian rights and practices fully take into account their mutual interests and the need to protect the waters from transboundary impacts.]

5. Water-related diseases are still a major health problem, especially in the developing countries. Diseases caused by microbiological pollution of water supplies or transmitted by water-associated vectors, and those related to inadequate sanitation and absence of clean water, are widespread. With water use per capita expected to increase significantly in developing countries with high economic or population growth rates, the volume of waste requiring treatment is expected to present a growing problem. Likewise, the application of water-intensive production techniques and other high water-use consumption patterns are of concern in certain countries, particularly industrial ones. To ignore the interactions and linkages between freshwater issues and other sectoral issues could result in severe social, economic or human health consequences. Therefore, the provision of water supply and sanitation in developing countries is not only a vital ingredient of economic and social development but also an important element of environmental protection.

II. GENERAL OBJECTIVES OF AGENDA 21

6. Water is a necessity of all life. The overall objective is to maintain the hydrological, biological and chemical functions of ecosystems to adapt human activities to the limits of nature's carrying capacity and to control water-related disease vectors.

7. Freshwater resources are an essential component of the earth's hydrosphere and an indispensable part of all terrestrial ecosystems. The freshwater environment is characterized by its hydrological regime including floods and droughts which, in some regions, have become more extreme and dramatic in their consequences in recent years. Global climate changes could also have their impact on freshwater resources and their availability and, through sea level rise, threaten coastal aquifers and small island ecosystems.

8. Freshwaters are a finite resource, not only indispensable for the sustenance of life on earth but also of vital importance to all socio-economic sectors. Development is not possible without considerable exploitation of water sources in relation to other land use activities and the control of deforestation and desertification. Priority must be given to the sustenance of land/water ecosystems, with particular attention to wetlands and biodiversity, and the satisfaction of basic human needs for drinking water, health protection and food security. For any water utilization beyond this, freshwater resources have to be considered as an economic good with an opportunity cost in alternative uses.

9. The Mar del Plata Action Plan, which emerged from the United Nations Water Conference in 1977, remains generally valid as the common basis for national and international action programmes in the freshwater sector. The review of progress achieved in its implementation and resulting strategies for the 1990s are reflected in Economic and Social Council resolution 1991/... . Agenda 21 in this sector, as presented hereunder, is based on these strategies, on the results of the Global Consultation on Safe Water and Sanitation for the 1990s, held at New Delhi in September 1990 (General Assembly resolution 45/181) and on the recommendations which may emerge from the International Conference on Water and the Environment in Dublin, January 1992, and on the results of the Preparatory Committee.

10. The wide-spread scarcity of freshwater resources, the progressive encroachment of incompatible activities and the gradual destruction of freshwater resources and their aggravating

pollution in many world regions demands truly integrated water resources planing and management. The multi-sectoral nature of water resources development in the context on socio-economic development must be recognized as well as the multi-interest utilization of water resources for agriculture, industry, urban development, hydropower, inland fisheries, transportation, recreation and other activities. Rational water utilization schemes for the development of surface and underground water supply sources and other potential sources have to be supported by concurrent water conservation and wastage minimization measures.

11. Integrated water resources management necessitates appropriate mechanisms at the global, regional, national and local levels for implementing, coordinating and funding the related strategies and action programmes. Management of water resources should, as far as possible, take place in a river basin context (catchment level). [The options proposed by the International Conference on Water and the Environment—Development Issues for the 21st Century, held in Dublin, January 1992, has provided an input to identifying suitable implementation mechanisms.]

12. Capacity building is a prerequisite to integrated water resources management. Technical solutions will not achieve programme objectives on their own without suitable attention given to the human factor. The Symposium on a Strategy for Water Resources Capacity Building, held in Delft, June 1991, recognized the importance of capacity building for integrated and sustainable development of water resources at all levels. Capacity building consists of four basic elements:

- creating an enabling environment with appropriate policy and legal frameworks;
- institutional strengthening and development, including local community participation;
- human resources development, including the strengthening of managerial systems and water users interests;
- awareness building and education at all levels of society, [including inter alia, the consideration of a UN World Water Day].

13. [Adequate new and additional financial resources are indispensable for the effective utilization and protection of freshwater resources. Pursuant with the recognition of water as an economic good, but with priority to the satisfaction of basic needs, internal revenues have to be generated through cost recovery schemes, water tariffs, taxes, etc. for uses implying productive activities, reflecting marginal and opportunity costs. In addition, external support will be required for water resources development from multilateral or bilateral sources (External Support Agencies) and from the private sector.]

14. Innovative technologies, including the improvement of indigenous techniques, are much needed to fully utilize limited water resources and to safeguard them against pollution. Implementation of Agenda 21 in the water sectors must therefore be supported by broad-based research and development programmes allowing for new technological solutions to be developed and field-tested. Technology [transfer on preferential and concessional terms] and [cooperation and diffusion] on all aspects of integrated water resources management is to be built into each programme area.

III. PROGRAMME AREAS OF AGENDA 21

15. In accordance with the general objectives, the following components were developed for the freshwater sector:

(a) Integrated Water Resources [Mobilization and] Management

(b) Water Resources Assessment

(c) Protection of Water Resources, Water Quality and Aquatic Ecosystems
(d) Drinking Water Supply and Sanitation
(e) Water and Sustainable Urban Development
(f) Water for Sustainable Food Production and Rural Development
(g) [Impacts of Climate Change on Water Resources]

16. Each component is presented in this document in a format which covers the basis for action, objectives, activities [and means of implementation which will include, inter alia, the issues of financing and cost evaluation, scientific and technological means, human resources development and building capacity of developing countries for preventive and corrective action in the field of environmental protection and promotion of development].

A. INTEGRATED WATER RESOURCES [MOBILIZATION AND] MANAGEMENT

Basis for action

17. The extent to which water resources development contributes to economic productivity and social well being is not usually appreciated although all social and economic activities rely heavily on the supply and quality of fresh water. As populations and economic activities grow many countries are rapidly reaching conditions of water scarcity or face limits to economic development. Water demands are increasing rapidly, with 70-80% for irrigation, less than 20% for industry and a mere 6% for domestic consumption. The holistic management of water as a finite and vulnerable resource, and the integration of sectoral water plans and programmes within the framework of national economic and social policy is of paramount importance for action in the 1990s and beyond. The fragmentation of responsibilities for water resources development among sectoral agencies is proving, however, to be an even greater impediment to promoting integrated water management than had been anticipated. Effective implementation and coordination mechanisms are required not only at the national level but also at the inter-country and international levels.

Objectives

18. The overall objective is to satisfy the freshwater needs of countries for their economic and social development.

19. Integrated water resources management is based on water as an integral part of the ecosystem, a natural resource and an economic good, the quantity and quality of which determines its utilization. To this end, the availability and quality of water resources have to be protected, taking into account the functioning of aquatic ecosystems and the perennity of the resource in order to satisfy or reconcile water needs for human activities. In developing and using water resources, priority has to be given to the satisfaction of basic needs and the safeguarding of ecosystems. Beyond these requirements, however, water users should be charged its true marginal costs.

20. Integrated water resources management should be carried out at the catchment basin or sub-basin level, taking into account existing interlinkages between surface and ground waters. Four principal goals should be pursued as follows:

a. to promote a dynamic, interactive, iterative and multisectoral approach to water resources management, including the identification and protection of potential sources of freshwater supply, which integrates technological, socio-economic, environmental and human health considerations

b. to plan the rational utilization, protection, conservation and management of water resources based on community needs and priorities and within the framework of national economic development policy

c. to design, implement and evaluate projects and programmes which are both economically efficient and socially appropriate within clearly defined strategies, based on a full public participatory approach, including the participation of women and indigenous peoples in water management policy-making and decision-making at the community level as well as at the national, regional and global levels

d. to identify and strengthen or develop, as required, in particular in developing countries, the appropriate institutional, legal and financial mechanisms to ensure that water policy and its implementation is a catalyst for sustainable social progress and economic growth.

21. The strengthening of national capacities to manage the resource and the role of government and local organizations in creating the enabling environment for efficient and equitable utilization of the resource are crucial. In the case of transboundary water resources there is an even greater need to formulate and harmonize water resources strategies and action programmes.

22. [Although difficult to measure success in this area, quantitative targets could realistically be set as follows:

By the year 2000:

a. all countries, in accordance with their capacities and resources available, will have designed and initiated costed and targeted national action programmes, and 75% of all countries will have appropriate institutional structures and legal instruments in place.

By the year 2025:

b. subsectoral targets of all freshwater programme areas will be reached.

It is understood that the fulfilment of the targets quantified in (a) and (b) above will depend upon new and additional financial resources that will be made available to developing countries in accordance with the relevant provisions of GA resolution 44/228.]

Activities

23. [Countries, especially developing countries, according to their possibilities and with the assistance of relevant UN bodies and international donors, could implement the following activities to improve integrated water resources management in their countries:]

a. formulation of costed and targeted national action plans and investment programmes

b. integration of measures for the protection and conservation of potential sources of freshwater supply, including the inventorization of water resources, with land-use planning, forest resource utilization and other relevant development activities

c. development of interactive databases, forecasting methods and economic planning models

d. optimisation of water resources allocation under physical and socio-economic

constraints

e. implementation of allocation decisions through demand management, pricing mechanisms and regulatory measures

f. flood and drought management using risk analysis and environmental and social impact assessment

g. promotion of schemes for rational water use through public awareness raising, educational programmes, levying of water tariffs and other economic instruments

h. mobilization of water resources, particularly in arid and semi-arid areas

i. promotion of international scientific research cooperation on freshwater resources

j. development of new and alternative sources of water supply such as seawater desalination, artificial groundwater recharge, use of marginal-quality water, wastewater reuse and water recycling

k. integration of water quantity and quality management, including surface and underground water resources

l. promotion of water conservation and wastage minimization schemes for all users, including the development of water-saving devices

m. support to water users groups to optimize local water resources management

n. development of public participatory techniques and their implementation in decision making, particularly the enhancement of the role of women in water resources planning and management

o. development and strengthening, as appropriate, of implementation mechanisms at all levels concerned:

- at the global level improved delineation of responsibilities, division of labour and co-ordination of international organizations and programmes;

[- at the regional level watershed-based organizations (river or lake basin authorities) and legal agreements for the joint management of transboundary water bodies;]

- at the national level integrated water resources planning and management in the framework of the national planning process, and where appropriate, establishment of independent regulation and monitoring of freshwater, based on national legislation and economic measures;

- at the [local/decentralized] level delegation of water resources management to the lowest appropriate level, including decentralization of government services to local authorities, private enterprises and communities

[p. elaboration, dissemination and application of operational guidelines in support of the

implementation of national action plans and local water management schemes]

[q. capacity building, including the rationalization and strengthening of institutional and legal structures and the development of the necessary human resources basis.]

Means of Implementation

24. [The implementation by developing countries of specific programmes and actions envisaged under Agenda 21 will be subject to the provision of adequate new and additional financial resources and of technology on concessional, preferential and non-commercial terms.

Proposals for means of implementation will include the following headings:

- Financing and cost evaluation
- Scientific and technological means
- Human resources development
- Building capacity of developing countries for preventive and corrective action in the field of environmental protection and promotion of development.]

B. WATER RESOURCES ASSESSMENT

Basis for action

25. Water resources assessment, including the identification of potential sources of freshwater supply, is the continuing determination of sources, extent, dependability, and quality of water resources. It is the practical basis for their sustainable management and a prerequisite for evaluation of the possibilities for this development. There is, however, growing concern that at a time when more precise and reliable information is needed about water resources, hydrological services and related bodies are less able to provide this information, especially information on ground water and water quality. Major impediments are: the lack of financial resources for WRA, the fragmented nature of hydrological services and the insufficient numbers of qualified staff. At the same time the advancing technology for data capture and management is increasingly difficult to access for developing countries. Establishment of national data bases is, however, vital to WRA and for mitigating the effects of floods, droughts, desertification and pollution.

Objectives

26. Based upon the Mar del Plata Action Plan, this programme area is extended into the 1990s and beyond with the overall objective to ensure the assessment and forecasting of the quantity and quality of water resources, in order to estimate the total quantity of water resources available and their future supply potential, to reflect their current quality status, to predict possible conflicts between supply and demand and to provide a scientific data base for rational water resource utilization.

27. Five specific objectives are set accordingly as follows:

a. to make available to all countries water resource assessment technology which is appropriate to their needs, irrespective of their level of development, including methods for the impact assessment of climate change on freshwaters;

b. to have all countries, according to their financial means, allocate to water resource assessment financial resources in line with the economic and social needs for water resources data;

c. to ensure that the assessment information is fully utilized in the development of water management policies;

d. to have all countries establish the institutional arrangements needed to ensure the efficient collection, processing, storage, retrieval and dissemination to users of information about the quality and quantity of available water resources in an integrated manner;

e. to have sufficient numbers of appropriately qualified and capable staff recruited and retained by water resource assessment agencies, and provided with the training and retraining they need to carry out their responsibilities successfully.

28. [Quantitative programme targets can be set for the number of countries covered with adequate services:

a. by the year 2000 all countries, appropriate to their individual capacities and available resources, should have studied in detail the feasibility of installing water resources assessment services;

b. by the year 2000 there should be water resources assessment services with a high-density hydrometric network installed in 70 countries, and services with limited but adequate capacity in 60 countries;

c. by the year 2025 there should be 110 countries with fully developed services, and 40 countries with services of a limited capacity;

d. the longer-term target is to have fully operational services, based upon high-density hydrometric networks, available in all countries, appropriate to their individual capacities and available resources.]

Activities

Note: a new section on "Activities" to be prepared and the present text on activities to be incorporated in "Means of Implementation".

29. [Countries, especially developing countries, according to their possibilities and with the assistance of relevant UN agencies, regional and international organizations and donor agencies, and through bilateral and multilateral agreements, could undertake the following activities:

a. increasing financial resources
- securing augmented budgetary allocations
- exploring novel ways of funding
- estimating the ecological, economic and social value of water resources data.

b. improving institutional arrangements
- facilitating close collaboration between water sector agencies, particularly between information producers and users
- reviewing the legislative and regulatory basis of WRA

- preparing catalogues of the water resources information held by government services, private sector, educational institutes, consultants, local water use organizations and others
- implementing water management policies based upon realistic appraisals of water resource conditions and trends.

c. upgrading and increasing technology transfer
- encouraging international organizations and donors to meet initially the immediate needs of the country commensurate with their technological standards
- developing strategies for meeting requirements over the medium and long term.

d. capacity building for WRA
- encouraging the provision of attractive terms of employment and career paths for professional and technical staff
- monitoring human resources needs and meeting them through education and training opportunities, and international programmes of courses and conferences
- strengthening the managerial capabilities of water users groups to improve water use efficiency at the local level.]

Means of Implementation

30. [The implementation by developing countries of specific programmes and actions envisaged under Agenda 21 will be subject to the provision of adequate new and additional financial resources and of technology on concessional, preferential and non-commercial terms.

Proposals for means of implementation will include the following headings:

- Financing and cost evaluation
- Scientific and technological means
- Human resources development
- Building capacity of developing countries for preventive and corrective action in the field of environmental protection and promotion of development.]

C. PROTECTION OF WATER RESOURCES, WATER QUALITY AND AQUATIC ECOSYSTEMS

Basis for action

31. There are few regions of the world that are still exempt from problems of loss of potential sources of freshwater supply and of degraded water quality and the pollution of surface and groundwater sources. Major problems affecting the water quality of rivers and lakes arise from inadequately treated domestic sewage, inadequate controls on the discharges of industrial waste waters, the loss and destruction of catchment areas, siting of industrial plants, deforestation, uncontrolled shifting cultivation and poor agricultural practices, giving rise to the leaching of nutrients and pesticides. Aquatic ecosystems are disturbed and the living freshwater resources are threatened. Aquatic ecosystems are also affected by agricultural water resource development projects such as dams, river diversions, water installations and irrigation schemes. Erosion, sedimentation, deforestation and desertification have led to increased land degradation, and the creation of reservoirs has, in some cases, resulted in adverse effects on the food chain. Many of these problems have arisen from a development model which is environmentally destructive and

from a lack of public awareness and education about surface and groundwater resource protection. Ecological and human health effects are the measurable consequences, although the means to monitor them are grossly inadequate or non-existent in many developing countries.

Objectives

32. Already the Mar del Plata Action Plan recognized the intrinsic linkage between water resource development projects and their important repercussions of a physical, chemical, biological, health and socio-economic nature. The overall environmental health objective was set:

> "to evaluate the consequences which the various users of water have on the environment, to support measures aimed at controlling water-related diseases, and to protect ecosystems".

33. Three objectives will have to be pursued concurrently to integrate water quality aspects into water resource management:

> a. maintenance of ecosystem integrity—a management principle to preserve aquatic ecosystems, including the living resources, and to protect them effectively from any form of degradation;
>
> b. public health protection—a task requiring not only the provision of pathogen-free drinking water but also the control of disease vectors in the aquatic environment;
>
> c. human resources development—a key to capacity building and a prerequisite for implementing water quality management.

34. [The following targets have been set to integrate water quality aspects into water resource management:

> a. by the year 2000 all countries, appropriate to their capacities and resources available, should have identified all potential sources of water supply and prepared outlines for their protection, conservation and rational use;
>
> b. by the year 2000 all countries should have effective water pollution control programmes, defined as enforceable standards for major point-source discharges and high-risk non-point sources, commensurate with their socio-economic development;
>
> c. by the year 2000 all countries should participate, as far as appropriate, in inter-country and international water quality monitoring and management programs such as the Global Water Quality Monitoring Programme GEMS/WATER, UNEP's Environmentally Sound Management of Inland Waters, FAO's regional inland fishery bodies, and the RAMSAR Convention on Wetlands of International Importance especially as Waterfowl Habitat;
>
> d. by the year 2025 the prevalence of water-associated diseases should be drastically reduced, starting with the eradication of dracunculosis (Guinea worm) by the year 2000 and onchocerciasis (river blindness) by the year 2000.
>
> e. by the year 2025 all countries should have established biological, health, physical and chemical quality criteria for all water bodies (surface and ground water) with a view to an ongoing improvement of water quality.]

Note: activities for target (d) are included in part under section D and in the Agenda 21 chapter on human health aspects [PC/54].

Activities

35. . [All countries, especially developing countries, according to their possibilities and with the assistance of appropriate UN agencies and other international organizations, regional economic cooperation organizations, and in cooperation with the industrialised countries could embark upon the following activities:]

a. Water resources protection and conservation
- establishment and strengthening of technical and institutional capacities to identify and protect potential sources of water supply
- promotion and extension of the application of GIS and EIA
- identification of potential sources of water supply and preparation of national inventories
- preparation of national plans for water resources protection and conservation
- strengthening of administrative and legislative measures to prevent encroachment into potentially usable catchment areas.

b. water pollution prevention and control
- application of the polluter pays principle to all kinds of sources, including on-site and off-site sanitation
- promotion of the construction of treatment facilities for domestic sewage, drainage waters, industrial effluents, and the development of appropriate and indigenous technologies
- establishment of standards for the discharge of effluents and for the receiving waters
- introduction of the precautionary approach in water quality management
- mandatory environmental impact assessment on all water resource development projects potentially impairing water quality and aquatic ecosystems, combined with a strengthened control of new industrial installations, solid waste landfills and infrastructure development projects
- enforcement of decisions based on risk assessment and risk management
- identification and application of best environmental practices to avoid diffuse pollution, i.e. through a limited, rational and planned use of nitrogenous fertilizers and other agrochemicals (pesticides, herbicides) in agricultural practices
- encouragement and promotion of adequately treated and purified wastewaters in agriculture, aquaculture, industry and other sectors.

c. development and application of clean technology
- control of industrial waste discharges, including low-waste production technologies and water recirculation
- treatment of municipal wastewater for safe reuse in agriculture and aquaculture
- development of biotechnology for waste treatment, production of biofertilizers etc.
- development of appropriate and indigenous methods for water pollution control.

d. groundwater protection
- application of the necessary measures to mitigate saline intrusion into aquifers of small islands and coastal plains as a consequence of sea-level rise or of overexploitation of coastal aquifers

- prevention of aquifer pollution through the establishment of protection zones in groundwater recharge and abstraction areas
- design and management of landfills based upon sound hydrogeological information and impact assessment, using best available technology
- mandatory water quality monitoring, on a permanent basis, of surface and groundwaters potentially affected by landfills.

e. protection of aquatic ecosystems
- rehabilitation of polluted and degraded water bodies to restore aquatic habitats and ecosystems
- rehabilitation programmes for agricultural lands and for other users, taking into account equivalent action for the preservation and use of groundwater resources, important for agricultural productivity and for the biodiversity of the tropics
- conservation, in a balanced ecological and socio-economic framework, and protection of wetlands due to their ecological and habitat importance for many species as well as their socio-economic values
- control of noxious aquatic species which may destroy some other water species.

f. protection of freshwater living resources
- control and monitoring of water quality to allow for the sustainable development of inland fisheries
- protection of ecosystems from pollution for the development of freshwater aquaculture projects.

g. monitoring and continuous surveillance of waters receiving wastes and water resources
- establishment of networks for the monitoring and continuous surveillance of waters receiving wastes and of point and diffuse sources of pollution
- surveillance of all pollution sources to improve the compliance with standards and regulations and to regulate the issue of discharge permits
- monitoring of the utilization of chemicals in agriculture
- rational land use to prevent land degradation, erosion and siltation of lakes and other water bodies.

h. development of national and international legal instruments for water quality protection
The protection of the quality of water resources requires legal instruments, particularly for:
- monitoring and control of pollution in national and transboundary waters
- control of long-range atmospheric transport of pollutants
- control of accidental and/or deliberate spills in national and/or transboundary water bodies
- environmental impact assessment.

i. [capacity building for water quality management
- establishment and strengthening of institutional frameworks at national and local levels
- development of technical infrastructure for water quality monitoring, assessment and control to include capacity for standard setting, permits and effective enforcement at the national and local level
- training of professionals to enhance staff capabilities at technical and managerial levels
- dissemination of information to water users at all levels on, inter alia, ecosystems,

the water cycle, water quality protection, source control measures and water-borne disease control

- awareness building on ecological and water quality issues at all levels.]

Means of Implementation

36. [The implementation by developing countries of specific programmes and actions envisaged under Agenda 21 will be subject to the provision of adequate new and additional financial resources and of technology on concessional, preferential and non-commercial terms.

Proposals for means of implementation will include the following headings:

- Financing and cost evaluation
- Scientific and technological means
- Human resources development
- Building capacity of developing countries for preventive and corrective action in the field of environmental protection and promotion of development.]

D. DRINKING WATER SUPPLY AND SANITATION

Basis for action

37. Safe water supplies and environmental sanitation are vital for protecting the environment, improving health and alleviating poverty. An estimated 80 percent of all diseases and over one third of deaths in developing countries are caused through the consumption of contaminated water and on average as much as one tenth of each person's productive time is sacrificed to water-related diseases. Concerted efforts during the 1980s brought water and sanitation services to hundreds of millions of the world's poorest people. The most outstanding of these efforts is the launching in 1981 of the UN International Drinking Water Supply and Sanitation Decade (IDWSS) which resulted from the Mar del Plata Action Plan adopted by the UN Water Conference in 1977. The commonly agreed premise was that "all peoples, whatever their stage of development and their social and economic conditions, have the right to have access to drinking water in quantities and of a quality equal to their basic needs." The target of the IDWSS was to provide safe drinking water and sanitation to underserved urban and rural areas by 1990. But even the unprecedented progress achieved during this decade was not enough. One in three people in the developing world still lacks these two most basic requirements for health and dignity. It is also recognized that human excreta and sewage are the main causes of deterioration of water quality in developing countries, and the introduction of available technologies, including appropriate technologies, and the construction of sewage treatment facilities could bring significant improvement.

Objectives

38. The New Delhi Statement formalized the need to provide, on a sustainable basis, access to safe water in sufficient quantities and proper sanitation for all, requesting "some for all rather than more for some". Four Guiding Principles provide for the programme objectives:

a. protection of the environment and safeguarding of health through the integrated management of water resources and liquid and solid wastes;

b. institutional reforms promoting an integrated approach and including changes in procedures, attitudes and behaviour, and the full participation of women at all levels in sector institutions;

c. community management of services, backed by measures to strengthen local institutions in implementing and sustaining water and sanitation programmes;

d. sound financial practices, achieved through better management of existing assets, and widespread use of appropriate technologies.

39. Past experience has shown that specific targets should be set by each individual country. At the Summit for Children in September 1990, heads of state or government called for both universal access to water supply and sanitation and the eradication of guinea worm disease by 1995. Even for the more realistic target to achieve full coverage in water supply by 2025, it is estimated that annual investments must reach double current levels. One realistic strategy to meeting present and future needs, therefore, is to develop lower cost but adequate services that can be implemented and sustained at the community level.

Activities

40. [All countries, especially developing countries, according to their possibilities and with the assistance of appropriate UN agencies and other international organizations, and in cooperation with the industrialised countries could embark upon the following activities:]

a. the environment and health
- establishment of protected areas for sources of water supply
- sanitary disposal of excreta and sewage, using appropriate systems to treat wastewaters in urban and rural areas
- expansion of urban and rural water supply
- building and expansion, where appropriate, of sewage treatment facilities and drainage systems
- treatment and safe reuse of domestic and industrial wastewaters in urban and rural areas
- control of water-associated diseases

b. people and institutions
- [strengthening the functioning of governments in water resources management and, at the same time, giving full recognition to the role of local authorities]
  or:
- [encouraging decentralization and the part played by local authorities, private enterprises and NGOs]
  or:
- [drawing attention of governments to the need for greater decentralization and for strengthening the role of local authorities, private enterprises and NGOs]
- human resources development at all levels, including special programmes for women
- broad-based education programmes, with particular emphasis on hygiene, local management and risk reduction
- [international coordination mechanisms for programme funding and implementation]

c. national and community management

- support and assist communities in managing their own systems on a sustainable basis
- encouragement of [the local population, especially] women in water management
- linkages between national water plans and community management of local waters
- integration of community management of water in the context of overall planning
- promotion of primary health and environmental care at the local level, including training for local communities in appropriate water management techniques and primary health care
- assisting service agencies to be more cost-effective and responsive to consumer needs
- more attention to be given to underserved rural and low-income peri-urban areas
- rehabilitation of defective systems, reduction of wastage and safe reuse of water and wastewater [through additional international financing]
- [programmes for operation and maintenance on the basis of cost recovery and charging mechanisms]
  or:
- [programmes for rational water use and ensured maintenance]
- research and development of appropriate technical solutions
- [review of the criteria of financial assessment of drinking water and sanitation projects of multi-lateral credit organizations by taking into account mainly the environmental and social benefits of these projects]
- [international efforts of solidarity by the developed countries with the developing countries in granting new and additional financial resources in accordance with resolution 44/228 in order to install treatment plants for urban waste waters]

Means of Implementation

41. [The implementation by developing countries of specific programmes and actions envisaged under Agenda 21 will be subject to the provision of adequate new and additional financial resources and of technology on concessional, preferential and non-commercial terms.

Proposals for means of implementation will include the following headings:

- Financing and cost evaluation
- Scientific and technological means
- Human resources development
- Building capacity of developing countries for preventive and corrective action in the field of environmental protection and promotion of development.]

E. WATER AND SUSTAINABLE URBAN DEVELOPMENT

Basis for action

42. Early in the next century, more than half of the world's population will be living in urban areas. By 2025 that proportion will have risen to 60%, some 5 billion people. Rapid urban population growth and industrialization are putting severe strains on the water resources and environmental protection capabilities of many cities. Scarcity of freshwater resources and the escalating costs of developing new resources have a considerable impact on national industrial, agricultural and human settlement development and economic growth. Better management of

urban water resources, including the elimination of unsustainable consumption patterns, can make a substantial contribution to the alleviation of poverty and improvement of the health and quality of life of the urban and rural poor. This situation is particularly serious in developing countries. A high proportion of large urban agglomerations are located around estuaries and in coastal zones, leading to pollution from municipal and industrial discharges combined with overexploitation of available water resources and threatening the marine environment and the supply of freshwater resources.

Objectives

43. The development objective of this programme is to support local and central governments' efforts and capacities to sustain national development and productivity through environmentally sound management of water resources for urban use. Supporting this objective is the identification and implementation of strategies and actions to ensure the continued supply of affordable water for present and future needs, and to reverse current trends of resource degradation and depletion.

44. [Countries should strive to achieve by the year 2000:
a. All urban residents would have access to at least 40 litres per capita and day of safe water and 75% are provided with on-site or community facilities for sanitation.
b. All countries would establish and apply quantitative and qualitative discharge standards for municipal and industrial effluents.
c. 75% of solid waste generated in urban areas would be collected and recycled or disposed of in an environmentally safe way.]

Activities

45. [All countries, especially developing countries, according to their possibilities and through regional and international cooperation, and with the support of NGOs and the private sector, could undertake the following activities:]

a. protection of water resources from depletion, pollution and degradation
- introduction of sanitary waste disposal facilities based on ecologically sound low-cost and upgradable technologies
- implementation of urban storm water runoff and drainage programmes
- promotion of recycling and reuse of waste-water and solid wastes.
- control of industrial pollution sources to protect water resources
- protection of watersheds from depletion and degradation of their forest cover and from harmful upstream activities
- promotion of research into the contribution of forests to sustainable water resources development
- limitation of the intensive use of agrochemicals with a view to minimizing their impact on water resources

b. efficient and equitable allocation of water resources
- reconciliation of city development planning with the availability and sustainability of water resources
- satisfaction of the basic water needs of the urban population
- introduction of water tariffs, where affordable, which reflect the marginal and opportunity cost of water, especially for productive activities

c. institutional/legal/management reforms

- adoption of a city-wide approach to the management of water resources
- promotion at the national and local level of the elaboration of land use plans which give due consideration to water resources development
- utilization of the skills and potential of non-governmental organizations and the private sector and local people, taking into account the public and strategic interests of water resources

d. promotion of public participation
- initiation of public awareness campaigns to encourage the public towards rational water utilization
- sensitization of the public for the protection of water quality within the urban environment
- promotion of public participation for the collection, recycling and elimination of wastes

e. support to local capacity building
- development of legislation and policies to promote investments in urban water and waste management reflecting the major contribution of cities to national economic development
- provision of seed money and technical support to the local handling of materials supply and services
- encouragement, to the extent possible, of autonomy and financial viability of city water, solid waste and sewerage utilities
- creation and maintenance of a cadre of professionals and semi-professionals for water, wastewater and solid waste management.

Means of Implementation

46. [The implementation by developing countries of specific programmes and actions envisaged under Agenda 21 will be subject to the provision of adequate new and additional financial resources and of technology on concessional, preferential and non-commercial terms.

Proposals for means of implementation will include the following headings:

- Financing and cost evaluation
- Scientific and technological means
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- Building capacity of developing countries for preventive and corrective action in the field of environmental protection and promotion of development.]

F. WATER FOR SUSTAINABLE FOOD PRODUCTION AND RURAL DEVELOPMENT

Basis for action

47. Sustainability of food production increasingly depends on sound and efficient water use and conservation practices consisting primarily of irrigation development and management including water management in rainfed areas, livestock water supply, inland fisheries and agro-forestry. Rural development requires the integrated satisfaction of basic human needs for drinking water and for food production. While significant expansion of the area under rainfed agriculture

has been achieved during the past decade, the productivity response and sustainability of irrigation systems have been constrained by problems of water-logging and salinization. Financial and market constraints are also a common problem. Soil erosion in the upstream watersheds, mismanagement and over-exploitation of the natural resources [in downstream watersheds] and acute competition for water, have all influenced the extent of poverty, hunger and famine in the developing nations. Soil erosion caused by overgrazing of livestock in uplands is also often responsible for the siltation of lakes. The development of irrigation schemes is most often not supported by environmental impact assessments identifying hydrological consequences within watersheds and due to interbasin transfers, nor by the assessment of social impacts on peoples in river valleys.

Objectives

48. An International Action Programme on Water and Sustainable Agricultural Development (IAP-WASAD) has been initiated by FAO in cooperation with other international organizations. The main objective of the IAP-WASAD is to assist developing countries in planning, developing and managing water resources on an integrated basis to meet the present and future needs for agricultural production, taking into account environmental considerations.

49. . The IAP-WASAD has developed a framework for sustainable water use in the agricultural sector and identified priority areas for action at national, regional and global levels. Quantitative targets for new irrigation development, improvement of existing irrigation schemes and reclamation of waterlogged and salinized lands through drainage for 94 developing countries are estimated on the basis of food requirements, agro-climatic zones and availability of water and land.

50. [Freshwater fisheries in lakes and streams are an important source of food. Utilization of water resources for other purposes should minimize their impact on freshwater ecosystems and fish populations and on the people who depend on these ecosystems for food security. Objectives for livestock, inland fisheries and aquaculture to be inserted. References: PC/61 and PC/69.]

51. The projections for irrigation are as follows:

[By the year 2000:

a. 21 million hectares of new irrigation development
b. 17 million hectares of improvement/modernization of existing schemes
c. 10 million hectares installed with drainage and water control facilities
d. 15 million hectares of small-scale irrigation water programmes and conservation.]

52. The development of new irrigation areas at the above level may give rise to environmental concerns as this may imply the destruction of wetlands, water pollution, increased sedimentation and a reduction in biodiversity. Therefore, new irrigation schemes should be accompanied by an environmental impact assessment in case considerable negative environmental impacts are expected and also depending upon the scale of the scheme. Before developing new irrigation schemes, efforts should be made towards a more rational exploitation of existing schemes, including increased efficiency and productivity. Technologies for new irrigation schemes should be thoroughly evaluated, including their potential conflicts with other land uses. The active involvement of water users groups is a supporting objective.

53. [Quantitative targets for livestock, inland fisheries and aquaculture to be inserted. References: PC/61 and PC/69.]

Activities

54. [Countries, especially developing countries, according to their possibilities and with the support of the international community and cooperation of the private sector and NGOs, could undertake the following activities to protect their water resources from depletion and degradation:]

a. water use efficiency
- increase of efficiency and productivity in agricultural water use for better utilization of limited water resources
- strengthening of water and soil management research under irrigation and rainfed conditions
- monitoring and evaluation of irrigation project performance to ensure, inter alia, the optimal utilization and proper maintenance of the project
- support to water users groups with the aim to improve management performance at the local level
- supporting the appropriate use of relatively brackish water for irrigation

b. waterlogging, salinity control and drainage
- introduction of surface drainage in rainfed agriculture to prevent temporary waterlogging and flooding of lowlands
- introduction of artificial drainage in irrigated and rainfed agriculture
- encouragement of conjunctive use of surface and groundwaters, including monitoring and water balance studies
- practising of drainage in irrigated areas of arid and semi-arid regions

c. water quality management
- establishment and operation of cost-effective water quality monitoring systems for agricultural water uses
- prevention of adverse effects of agricultural activities on water quality for other social and economic activities and on wetlands, inter alia, through optimal use of on-farm inputs and the minimization of the use of external inputs in agricultural activities
- establishment of biological, physical and chemical water quality criteria for agricultural water users and for marine and riverine ecosystems
- prevention of soil run-off and sedimentation
- proper disposal of sewage from human settlements and of manure produced by intensive livestock breeding
- minimize adverse effects from agricultural chemicals by use of integrated pest management
- education of communities about the pollution impacts of the use of fertilizers and chemicals on water quality and food safety

d. small-scale water programmes
- development of small-scale irrigation, water supply for humans and livestock and for water and soil conservation
- promotion of local initiatives for the integrated development and management of water resources
- provision of adequate technical advice and support and enhancement of institutional collaboration at the local community level
- [promotion of a technical farming approach for water management which takes

account of the level of education, the capacity to mobilize local communities, and the ecosystem requirements of arid and semi-arid regions]

e. scarce water resources management

- development of long-term strategies and practical implementation programmes for agricultural water use under scarcity conditions with competing demands for water
- recognition of water as an economic and strategic good in irrigation planning and management
- formulation of specialized programmes focused on drought preparedness with emphasis on food scarcity and environmental safeguards
- promotion and enhancement of wastewater reuse in agriculture
- [encouragement of basin-wide cooperation in the integrated development of all types of transboundary water resources, taking into consideration the sovereignty of states and the equitable use of water resources]

f. [supporting capacity building

- development of adequate data bases and adaptive research
- institutional strengthening based upon human resources development at all levels, in particular water users groups, with special attention to rural women and small-scale farmers
- transfer of existing water use technologies and support of their field application.]

[Note: Activities concerning livestock, inland fisheries and aquaculture to be added. References: PC/61 and PC/69.]

Means of Implementation

55. [The implementation by developing countries of specific programmes and actions envisaged under Agenda 21 will be subject to the provision of adequate new and additional financial resources and of technology on concessional, preferential and non-commercial terms.

Proposals for means of implementation will include the following headings:

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[G. IMPACTS OF CLIMATE CHANGE ON WATER RESOURCES

Basis for action:

56. There are many uncertainties about climate change and particularly sea-level rise. Global climate changes could have disastrous effects on freshwater resources and their availability and, through sea-level rise, threaten coastal aquifers and small-island ecosystems. This is particularly crucial to small-island countries which rely for their freshwater supply almost exclusively upon underground water resources. Already, many small low-lying and island countries have to cope with the effects of variations in the hydrological regime on coastal and marine resources. The intrusion of salt water into coastal aquifers and flooding from tidal increases is a reality in many

of these countries. While there is no definitive proven link between these phenomena and climate change, there is nonetheless cause for concern that these trends may escalate. Consequently, there is a due need for response strategies that are based on sound scientific data.

57. A long-term research commitment, based on shared responsibilities of countries concerned, is needed to reduce the uncertainties involved. Meanwhile, precautionary measures have to be initiated to diminish present risks and effects, particularly on small islands, low-lying states and coastal areas of the world. The work of the IPCC in this field is to be taken into account.

Objectives

58. To develop techniques and methodologies for assessing the potential adverse effects of sea-level rise, as a consequence of climate change, on freshwater resources and the resulting social, economic and environmental impacts.

Activities

59. Countries, especially developing countries, according to their possibilities and with the assistance of the international community, could undertake the following:

a. development of methods and approaches for the assessment and monitoring of the effects of climate change on coastal aquifers and freshwater resources

b. assessment of the social, economic and environmental impacts of coastal dynamics and their implication for freshwater resources

c. development of possible response measures, proactive and reactive, based on the above assessments

d. continuous assessment of the impact of climate change on hydrological systems worldwide

e. mitigation of saline intrusion into aquifers of small islands and coastal plains as a consequence of sea-level rise.

Means of Implementation

60. The implementation by developing countries of specific programmes and actions envisaged under Agenda 21 will be subject to the provision of adequate new and additional financial resources and of technology on concessional, preferential and non-commercial terms.

Proposals for means of implementation will include the following headings:

- Financing and cost evaluation
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[End of document.]]

Volume

2

Conférence des Nations Unies
sur l'Environnement et le Développement
(CNUED)

3ème Séance du Comité préparatoire

GENÈVE

12 août au 4 septembre 1991

RAPPORTS FINALS

Vol. II

Veuillez noter que les Nations-Unies n'ont pas traduit la majorité des documents de PrepCom III. Nous donnons donc leur référence originale en anglais dans le présent document et prions les lecteurs de nous excuser pour cet inconvénient. Par ailleurs, le délai accordé pour effectuer la présente traduction du rapport final ayant été très court, il se peut qu'on y trouve des erreurs typographiques. Veuillez s'il vous plaît nous en excuser.

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RÉSUMÉ

La plupart des commentaires ont porté principalement sur les modifications à apporter au document du Secrétariat intitulé Relevé des accords et instruments existants et critères d'évaluation (Survey of Existing Agreements and Instruments, and Criteria for Evaluation) dont on désire élargir la portée. Les délégués ont proposé d'inclure des références aux accords relatifs au développement et au traité sur le contrôle des armements et le désarmement. Parmi les autres questions clés qui ont été soulevés figuraient le rôle des accords sur le développement dans la promotion du développement durable, la prévention et le règlement des différends et l'environnement et la guerre. L'opinion générale semblait être que la CNUED pourrait utilement attirer l'attention sur les questions juridiques, mais que, abstraction faite peut-être de la prévention et du règlement des différends, il faudrait concentrer l'attention sur un accord relatif aux principes à inclure dans la Charte de la Terre.

Documentation

A/CONF.151/PC/77 - *Survey of Existing Agreements and Instruments, and Criteria for Evaluation* (Relevé des accords et instruments existants et critères d'évaluation)

A/CONF.151/PC/77Rev.1

DÉBAT DU PREPCOM

Les principaux objectifs canadiens étaient les suivants :

- Dans le domaine juridique, la priorité du Canada consistait à déposer ses principes relatifs à la Charte de la Terre et à persuader les délégués à utiliser notre texte comme base de négociations. En ce qui a trait au Relevé, le Canada a fait savoir qu'il devrait comporter des déclarations clés comme la Déclaration de Stockholm, qui contient des principes de droit international; les accords bilatéraux tels que l'accord canado-américain sur les pluies acides, qui couvre presque tout le continent; les accords-cadres tels que la Convention des Nations Unies sur le droit de la mer. Enfin, le Canada a proposé que le Groupe de travail III examine les accords relatifs à l'environnement et au commerce dans le but de déterminer la manière de concilier de telles différences et d'éviter les incohérences possibles dans les accords futurs.

La plupart des interventions ont porté principalement sur le PC/77, plusieurs délégations ayant proposé de modifier les critères proposés pour l'étude des instruments juridiques. Parmi les questions clés figuraient le rôle des accords sur l'environnement dans la promotion du développement durable, la prévention et le règlement des différends (principes et mécanismes) et l'environnement et la guerre.

Accords internationaux sur l'environnement et le développement durable

Plusieurs pays en développement, notamment la Chine, l'Inde, l'Indonésie, le Nigéria et le Zimbabwe ont souligné que le Relevé des accords existants (ci-après "le Relevé") devrait, dans l'examen des instruments juridiques du domaine de l'environnement, viser un équilibre approprié des préoccupations en matière d'environnement et de développement et démontrer comment de tels accords favorisent le développement durable. La Chine a informé le Groupe des résultats du Symposium de Beijing sur le pays en développement et le droit international de l'environnement, où ont été examinés les besoins des pays en développement et leur capacité à participer à l'élaboration et à la mise en oeuvre des accords sur l'environnement. Le délégué a en outre mentionné que les divers instruments juridiques avaient différentes exigences et, qu'en plus d'identifier les signataires des accords sur l'environnement, il fallait analyser le rôle des grands pays dans la mise en oeuvre réussie de tels instruments. Les pays en développement ont également déclaré que le Relevé devait examiner si (et lesquels) des facteurs financiers, techniques et scientifiques influençaient leur participation à de pareils accords et si ces critères influençaient l'application des instruments en question.

Au sujet de la question du respect des lois, l'Indonésie a tenté de clarifier le document PC/77, mentionnant que les pays devraient, plutôt que d'élaborer de nouvelles mesures destinées à assurer le respect des accords, convenir d'un renforcement des mesures ou des programmes existants.

Le Canada a indiqué que l'enquête devrait inclure des documents clés, tels que la Déclaration de Stockholm, qui contient des principes de droit international, et a ajouté que les accords bilatéraux, notamment l'Accord canado-américain sur les pluies acides et l'Accord sur la qualité de l'eau dans les Grands Lacs, devraient également être compris dans le Revelé parce qu'ils concernent des continents entiers. De même, le secrétariat devrait peut-être inclure dans le Relevé les accords cadres tels que la Convention des Nations Unies sur le droit de la mer en vue d'aider les délégations à trouver des moyens qui permettront de mieux définir et mettre en oeuvre de tels accords, notamment la section clé relative à la pollution des mers et aux ressources vivantes. Enfin, nous avons indiqué que le Groupe de travail III pourrait réaliser une étude utile des conflits existants entre les accords, en particulier dans les domaines du commerce et de l'environnement.

Un certain nombre de pays, notamment le Chili et le Canada, ont fait remarquer qu'il existait un grand nombre d'accords en vigueur dans le domaine de l'environnement, que le secrétariat devrait, dans la préparation du Relevé, éviter de s'attaquer aux mêmes questions que d'autres organismes (par exemple la Commission du droit international) et qu'il devrait faire un inventaire de tous les accords ayant une incidence sur l'environnement. Le Zimbabwe a fait remarquer que le Groupe de travail III devrait déterminer les instruments directement pertinents aux questions qui sont examinées à la CNUED et éviter d'ajouter simplement les accords sur le développement aux accords sur

l'environnement. Cependant, cette proposition n'a reçu qu'un appui modeste, car le Groupe de travail avait déjà convenu de n'examiner que les instruments ayant trait à l'environnement, au lieu de ceux qui concernaient l'environnement et le développement.

Le Pérou a attiré l'attention sur la récente réunion tenue à La Haye sur le droit international de l'environnement, en particulier sur la section relative à la participation des organisations non gouvernementales (ONG) dans l'élaboration et la mise ne oeuvre des accords sur l'environnement. Mentionnant que la réunion de La Haye avait tenu compte de l'opinion des ONG sur l'efficacité des accords internationaux par rapport aux législations nationales, le délégué du Pérou a indiqué que le Relevé devrait prendre en considération les renseignements relatifs à l'accord (et à son fonctionnement) qui sont distribués aux gouvernements, aux parlements, à la presse, aux ONG, aux industries et au grand public, ainsi que les renseignements sur le rôle que jouent ces groupes dans la participation à ces accords et dans leur mise en oeuvre.

Prévention et règlement des différends

La Pologne a évoqué brièvement la proposition des pays du pentagone, qui forment plutôt maintenant un hexagone, au sujet des directives visant l'élaboration des principes et mécanismes de prévention et de règlement des différends et qui ont leur origine dans les divergences relatives aux ressources partagées et aux écosystèmes. Le délégué indique que le Relevé pourrait révéler les lacunes contenues dans les accords existants, qui pourraient être harmonisés et renforcés par l'élaboration d'un système commun permettant de faire face à ces différends. Le Mexique a souligné que la Cour internationale de justice pourrait, par l'entremise d'une chambre spéciale des questions environnementales, chercher à régler ces différends.

L'Inde s'est déclarée opposée à une telle analyse, alléguant que le Relevé ne devrait pas impliquer la nécessité de créer pareil mécanisme, mais que ces différends devraient plutôt être réglés au niveau bilatéral ou régional et au cas par cas.

L'environnement et la guerre

Le Pérou s'est déclaré heureux de voir inclure au PC/77 certains accords nucléaires (par exemple le Traité de Tlatelolco, qui interdit les armes nucléaires en Amérique du Sud) et a déclaré que la liste devrait être aussi complète que possible, ce qui illustrerait la nécessité d'examiner, dans l'optique du droit international, l'impact d'une guerre nucléaire sur l'environnement.

Le Comité international de la Croix rouge (CICR) a proposé que les pays ratifient les Protocoles de 1977, qui s'ajoutent aux Conventions de Genève, parce qu'ils constituent une importante contribution au renforcement des règles internationales destinées à protéger l'environnement en cas de conflit armé. Le représentant s'est inspiré de divers instruments juridiques et du droit coutumier pour exposer son point de vue, ajoutant que

le CICR ferait des suggestions spécifiques sur la question à la conférence que doivent tenir à Budapest en novembre 1991 la Croix rouge internationale et le Croissant rouge. Le représentant a dit également espérer que la CNUED accordera aux problèmes spécifiques causés à l'environnement par des conflits armés la considération qu'ils méritent.

L'Allemagne a affirmé, dans une courte déclaration, que les dommages causés à l'environnement au-delà des frontières nationales devraient être considérés en droit comme des infractions criminelles; cette question est présentement étudiée par la Commission du droit international.

Autres questions

Certains pays, notamment les États-Unis, les Pays-Bas (CE), ont exprimé des préoccupations au sujet du caractère ambitieux du Relevé, mentionnant que cela exigeait beaucoup de recherches, ainsi que des renseignements et la coopération d'États qui ne participent pas aux accords.

Le Chili a exprimé ses préoccupations au sujet du fait que les pays non signataires de certains accords contenus dans le Relevé seraient habilités à exprimer leur point de vue sur l'aptitude de ces accords à promouvoir un développement durable et sur tous les critères ayant fait l'objet d'un accord au sein du Groupe de travail. Le délégué a demandé si de tels pays étaient habilités à faire des commentaires au sujet des accords bilatéraux/régionaux, même s'ils ne sont pas bien au courant des conditions politiques/économiques/sociales existant dans ces États.

Quatre directions, une ONG représentant les autochtones d'Amérique du Nord, ont avancé l'idée que le Relevé devrait examiner la manière dont les accords relatifs à l'environnement affectent les droits des individuels et des groupes à un environnement sûr et sain.

Le représentant a évoqué les Conventions 107 et 169 de l'Organisation internationale du travail, qui traitent des droits des peuples autochtones à gérer les ressources naturelles et de la protection qu'on doit leur accorder contre les dommages à l'environnement. Déclarant que les rapports des États et les résolutions des Nations-Unis ne suffisaient pas, il a souligné la nécessité d'élaborer des mécanismes nationaux pour répondre aux préoccupations des individus et des Groupes, en particulier leurs droits vis-à-vis de leurs propres États et d'autres États, y compris les institutions publiques et privées situées dans ces États tiers (c'est-à-dire les sociétés et entreprises transnationales).

L'Assemblée spirituelle internationale des Baha'is a invité la CNUED à élaborer un code unique de droit international, qui, par l'entremise d'un système fédéral mondial et d'une législature internationale, réglementerait les ressources et les peuples de la planète, sans priver les États et les citoyens de leur liberté. Le représentant a fait

remarquer que la Charte de la Terre pourrait jouer un rôle essentiel dans l'articulation d'une vision unifiée de l'avenir et l'exposé des valeurs sur lesquelles une telle vision doit reposer.

RÉSULTATS ET ÉVALUATION

S'inspirant d'un commentaire des délégations, le secrétariat a préparé une version révisée du PC/77, qu'il a présentée pour examen à une réunion informelle. Certes, la plupart des participants à cette réunion possédaient des connaissances en droit international, mais la réunion informelle a dégénéré en un travail de rédaction mesquin.

Les États-Unis ont indiqué que l'Étude aurait pu être plus objective si l'analyse faite avait évité de relier les accords sur l'environnement à la promotion du développement durable, concept que la délégation considère comme vague et subjectif.

Cette intervention a provoqué de vives protestations de la part de plusieures délégations, notamment celle du Canada, qui ont soutenu qu'il existait un certain nombre de définitions adéquates "du développement durable" et que la compréhension de la relation existant entre le droit de l'environnement et le développement durable était une question fondamentale pour la Conférence de 1992. Les États-unis ont retiré leur proposition.

D'autres propositions portaient sur les raisons pour lesquelles les pays ont émis des réserves au sujet des accords et les motifs du retard écoulé entre la signature et la ratification des accords. Cette dernière proposition, qui avait pourtant été bien accueillie à l'origine, a été considérée comme problématique par le représentant du Secrétariat de la CNUED, parce que cette instance aurait ensuite à examiner les rapports des gouvernements et les procès-verbaux des débats parlementaires pour déterminer pourquoi chaque partie aurait tant tardé à ratifier un accord donné.

La discussion la plus difficile portait sur une proposition visant à modifier certains des accords contenus dans une nouvelle section du PC/77 appelée "environnement et [sécurité internationale] [conflit armé]". Les États-Unis ont déclaré que la proposition posait deux problèmes : 1) certains des accords énumérés dans le PC/77 portaient sur le nucléaire et devraient être éliminés de la liste, sauf s'ils comportaient des sections de protocoles spécifiques relatifs à la protection de l'environnement; et 2) les États-Unis ne pourraient accepter en principe un article séparé sur l'environnement et la guerre, parce qu'il s'agit là essentiellement d'un problème politique ou de sécurité, pas d'un problème d'environnement, et qui n'aurait donc pas sa place dans le Relevé.

Cependant, la CE estimait qu'un tel article pourrait être inscrit dans le Relevé, ce qui a déclenché un débat qui n'est toujours pas clos. L'aspect surprenant de ces discussions a été le silence de deux membres de la CE, la France et le Royaume-Uni, tous deux titulaires d'un siège permanent au Conseil de sécurité et qui semblent favoriser une telle analyse des instruments de "guerre et de paix". Les États-Unis ont insisté sur le fait que la CE était en contradiction avec la position adoptée par le Conseil de sécurité et au Sommet tenu à Londres par le G-7, et le délégué a déclaré qu'il ne porterait pas cette question devant les capitales.

Il a été demandé au Secrétariat de revoir son document, dans lequel les références à l'environnement et à la guerre sont indiquées entre des parenthèses carrées. Le texte sera annexé à l'aperçu des délibérations du Groupe de travail III, qui sera préparé par le président. Bien que l'aperçu ne soit pas négociable, la version révisée du Relevé l'est et est donc susceptible d'être modifiée un peu plus, d'ici la fin des travaux du PrepCom.

INSTITUTIONS

RÉSUMÉ

Poursuivant les débats de PrepCom II, les délégués ont exposé des idées relatives à une réforme et à un renouvellement de l'ONU, dans le but de promouvoir les objectifs du développement durable, mais il reste à voir si le Groupe de travail III est en mesure de prendre des décisions fondamentales au sujet des institutions. Presque toutes les délégations ont souligné la nécessité d'examiner les organismes existants plutôt que d'ajouter de nouvelles grandes institutions au système des Nations Unies. Plusieurs pays ont proposé de renforcer le rôle de coordination de l'Assemblée générale des Nations Unies (AGNU) et du Conseil économique et social (ECOSOC) ; ils ont également proposé d'améliorer la coordination entre les agences des Nations Unies. Les pays d'Afrique ont également demandé d'élargir le mandat du PNUE afin qu'il couvre les problèmes liés à l'environnement et au développement; ce point de vue a été combattu par des représentants des autres régions, qui préféreraient voir réduire le domaine d'intervention du PNUE. Les pays en développement ont combattu l'idée d'utiliser le mécanisme environnemental mondial comme principal outil de financement du développement durable. Parmi les autres questions soulevées, il y a lieu de mentionner le rôle des organisations régionales et des organisations non gouvernementales (ONG) dans la mise en oeuvre des décisions de la CNUED, ainsi que la prévention et le règlement des différends (qui sont également abordés au chapitre des Questions juridiques.

Documentation

A/CONF.151/PC/80	-	*Report by the Secretary General on Institutions* (Rapport du secrétaire général au sujet des institutions)
A/CONF.151/PC/94	-	*Report of Working Group III* (Rapport du Groupe de travail III)
A/CONF.151/WG.III/L.10	-	*Chairman's Summary on Institutional Issues* (Résumé concernant les questions d'ordre institutionnel préparé par le président)

DÉBATS DU PREPCOM

Les objectifs du Canada consistaient à exposer à PrepCom III les idées relatives aux questions suivantes :

- promotion de l'idée d'un véhicule non officiel de haut niveau afin de maintenir l'élan donné par la CNUED sur le plan politique;

- encourager l'Assemblée générale et le secrétaire général à jouer les rôles qui leur ont été confiés et qu'ils se sont engagés à assumer pour assurer la coordination des efforts déployés au plan de l'environnement dans le système des Nations Unies, et à promouvoir l'intégration de l'environnement et du développement dans ses programmes et activités;

- mettre en place des mécanismes provisoires destinés à coordonner, aux plans de l'environnement et du développement, les activités de programmation et d'évaluation du rendement à l'échelle du système des Nations Unies;

- veiller à ce que la répartition des travaux entrepris par les agences des Nations Unies soit fondée sur une évaluation réaliste de leurs avantages comparatifs (par exemple le renforcement de la CNUED dans le domaine du contrôle de l'environnement, de l'échange d'informations, de la coopération technique et de l'élaboration des mécanismes juridiques; le renforcement du PNUD ou du PNUE dans le développement respectueux de l'environnement);

- établir les moyens appropriés de développement des capacités dans le domaine de l'environnement (institution, ressources humaines, infrastructure et technologie de l'environnement) au niveau régional et local, et cela en utilisant dans la mesure du possible les mécanismes existants;

- promouvoir des approches novatrices aux arrangements institutionnels, lesquelles combineraient les points forts des approches intergouvernementales, des ONG et du milieu des affaires;

- soutenir la participation de divers secteurs des ONG dans la CNUED elle-même afin d'amener la CNUED à convenir d'un mécanisme de coopération permanente et substantielle entre les agences des Nations Unies et les ONG;

- la promotion d'un nombre limité d'initiatives de petite envergure qui ont de bonnes chances d'être approuvées, comme les projets à réaliser par la CNUED.

Le Groupe de travail III accuse un retard par rapport au Groupe de travail I et II à cause du consensus général selon lequel dans les questions d'ordre institutionnel la forme doit suivre la fonction, et que les décisions relatives aux institutions doivent attendre qu'un consensus substantiel ait été atteint au sujet points inscrits à Agenda 21 (le Plan d'action pour le XXI^{e} siècle) et abordés par les Groupes de travail I et II. Néanmoins, un grand nombre de délégations ont profité de la discussion générale pour

faire connaître ou réitérer les éléments des positions nationales au sujet des grandes questions liées à la réforme des Nations Unies ainsi que concernant certaines questions spécifiques de la CNUED. Ce débat a mis en lumière à la fois les points de convergence et les domaines où existe une grande diversité d'opinions. Presque tous ceux qui ont pris la parole ont souligné le caractère préliminaire de leurs observations et il est clair que le Groupe de travail III a servi de caisse de résonnance pour le Deuxième comité de l'AGNU.

Si les problèmes d'établissement d'un ordre de priorités posés par la réforme de l'ONU dans le domaine des grandes initiatives émanant de la CNUED ont été universellement reconnus, un certain nombre de délégations (États-Unis, CE) ont soutenu qu'il fallait travailler parallèlement sur les deux fronts. D'autres délégations (Canada, Suède, Guyane, Singapour, Australie, Nouvelle-Zélande) ont indiqué que le rôle de PrepCom III consistait à clarifier des questions et à restreindre les options, et elles ont évoqué, au sujet des décisions à prendre par la suite, des critères, des directives, ou les principes directeurs convenus. L'Algérie et d'autres pays ont fait remarquer que la volonté politique sera l'élément clé de ces changements et que la CNUED devrait être considérée comme le commencement plutôt que la fin du processus.

Au cours de ces délibérations, le Groupe de travail III n'a pas pu s'attaquer, ne serait-ce que sur le plan conceptuel, aux fonctions du Groupe de travail par rapport à la pléthore d'initiatives institutionnelles relativement petites et non coordonnées qui font maintenant l'objet de discussions dans les négociations de la convention et au sein des Groupes de travail I et II (Agenda 21).

Grandes questions

Création de nouvelles institutions : Tous ceux qui se sont succédé au micro pour parler de réforme, de restructuration, de renforcement ou de rationalisation ont souligné qu'il était préférable de commencer avec le système existant plutôt que de créer de nouvelles grandes institutions. Le Japon a invité les autres pays à faire preuve de patience en conservant les institutions existantes pendant la période d'évolution vers l'intégration de l'environnement et du développement.

Renforcement du PNUE : Parlant au nom des pays d'Afrique, le Kenya a proposé de faire du PNUE l'agence centrale de l'ONU dans les domaines de l'environnement et du développement. La plupart des autres pays (États-Unis, EC, Suède, Nouvelle-Zélande, Chine) ont souligné la nécessité de renforcer la capacité du PNUE de s'acquitter de son mandat actuel en mettant l'accent sur le droit de l'environnement, l'information et les conseils en matière de politique. Le Brésil, la Malaysia et d'autres pays ont souligné le fait que le PNUE était bien équipé, qu'il s'occupait principalement de l'"environnement" de l"environnement et du développement" et qu'il ne devrait pas entreprendre un vaste programme d'activités opérationnelles de développement.

Politique gouvernementale et suivi d'Agenda 21 : Il a été fait largement état de la nécessité de créer un organe central crédible et doté d'un profil politique. On a fait de nombreuses références à l'Assemblée générale elle-même et au Conseil économique et social, ainsi qu'à la création d'une commission ou d'un comité qui relèverait du Conseil économique et social. Les États-Unis ont proposé de fusionner en un Comité du développement durable les fonctions des comités des ressources naturelles, des sources nouvelles et renouvelables d'énergie et de la science et de la technologie. L'Inde, la Malaysia et d'autres pays ont indiqué clairement qu'un tel organisme devrait être intergouvernemental et démocratiquement constitué (c'est-à-dire sur des bases différentes de celles du Conseil de sécurité). La Malaysia a déclaré spécifiquement que la responsabilité du suivi et de l'évaluation ne devrait pas être confiée à un organisme non gouvernemental et que la discussion relative à un Conseil du développement durable était prématurée. La Chine a fait remarquer que le Conseil économique et social (ECOSOC) lui-même ou une nouvelle commission pourrait remplir ce rôle.

Coordination inter-agences : Tous les délégués ont fait état de l'importance de l'intégration des préoccupations d'ordre environnemental à l'ensemble des activités des Nations Unies, et de celle de la coordination inter-agences à cette fin. Un grand nombre d'entre-eux ont proposé de renforcer les mécanismes de coordination (Mexique); cependant, seuls les Philippines et le Bangladesh ont fait état du rôle que le Directeur général du développement et de la coopération économique internationale pourrait jouer dans ce domaine. Diverses suggestions ont été faites pour la tenue de sessions spéciales du Comité administratif sur la coordination, et pour le rétablissement du Conseil de coordination de l'environnement (et du développement) sous la direction conjointe du PNUD/PNUE (États-Unis, Japon) ou de nouveau sous celle du PNUD (Kenya). Le Mexique a proposé une agence conjointe gouvernements/organismes.

Financement, Mécanisme environnemental mondial (Global Environmental Facility) (GEF) : Si les déclarations de tous les pays du G-77 ont fait état du besoin de ressources, la seule demande classique de financement nouveau et additionnel présentée et qui rejetait toutefois l'utilisation des fonds traditionnels d'aide à l'environnement est venue de l'Inde. D'autres délégations du G-77 ont semblé préconiser, avec le WEOG, une plus grande intégration des questions environnementales afin d'assurer un développement réel (c'est-à-dire durable). Aucune déclaration du G-77 ne contenait une référence positive au Mécanisme environnemental mondial (Global Environmental Facility) (GEF). L'Inde, le Chili et d'autres pays ont exprimé de fortes réserves au sujet de l'utilité de ce mécanisme en tant que fonds général pour d'autres conventions, et critiqué son mode de gestion. L'EC, la Suède et la Finlande ont qualifié le mécanisme d'utile, en dépit de son caractère expérimental et de projet pilote.

Rôle des intervenants autres que les États : L'importance de l'intégration de la prespective des ONG, des milieux scientifiques et des milieux d'affaires a été soulignée par un nombre étonnamment élevé de délégations (par exemple le Pérou, la Tanzanie, les Phillipines), qui la jugent essentielle à la réalisation d'un développement durable. La

Tanzanie est allée jusqu'à affirmer que les ONG devraient participer à la fois au niveau des discussions et des opérations, tandis que le Pérou a proposé que la CNUED mette en place un processus de suivi qui ferait explicitement participer les sociétés tansnationales à la prise de décision dans le domaine de l'environnement. Les délégations au WEOG ont souligné la nécessité de rattacher les activités des Nations Unies aux activités des banques de développement multilatéral.

Rôle des organisations régionales : Un certain nombre de représentants ont mentionné la nécessité d'entreprendre le développement des capacités par le biais d'un soutien aux institutions régionales. Le Bangladesh a proposé de confier un rôle important aux commissions régionales dans la mise en oeuvre d'Agenda 21.

Prévention et règlements des différends :

Parlant au nom des pays de l'Hexagone (autrefois Pentagone) soit l'Autriche, la Tchécoslovaquie, la Hongrie, l'Italie, la Pologne et la Yougoslavie), l'Autriche a réitéré la proposition qu'elle avait présentée à PrepCom II au sujet de la création d'un mécanisme de prévention de règlement des différends. Le délégué a déclaré que ce groupe de pays avait l'intention de présenter au PrepCom une décision recommandant que le secrétariat de la CNUED continue de s'occuper de ce dossier pour PrepCom IV.

Les États-Unis ont déclaré qu'ils appuyaient fortement l'idée de l'élaboration de mécanismes de règlement des différends, mais ils ont exprimé une préoccupation au sujet de l'élaboration de procédures autonomes et obligatoires applicables par une seule institution de même que des doutes au sujet de l'utilité de ces procédures en l'absence de traités spécifiques. Un grand nombre de pays, dont la Colombie, la Finlande et le Pakistan ont émis des commentaires sur l'utilité des mécanismes de règlement des différends et reconnu qu'il était nécessaire d'effectuer d'autres travaux dans ce domaine. La délégation de l'Inde a répété qu'elle considérait comme prématuré l'examen du règlement des différends, étant donné la diversité des points de vue et des incertitudes scientifiques existant au sujet de la notion de maillon environnemental, mais elle a souligné qu'il fallait que le règlement des différends constitue un élément intrinsèque d'accords internationaux.

RÉSULTATS ET ÉVALUATION

Il reste à voir quand les délégations feront les premiers pas, si jamais elles les font, pour négocier les mesures concrètes visant à renforcer la capacité de l'ONU (et des autres organisations internationales de promouvoir un développement durable. La question se trouve compliquée par le fait que l'ONU est engagée dans un processus de réforme et de revitalisation, notamment dans les secteurs économique et social; que les pays en développement envisagent les modifications d'ordre institutionnel exclusivement en termes de lien avec d'autres mécanismes de financement et de transfert de technologies, et que toute décision finale relative aux institutions doit nécessairement se faire à la

réunion au sommet qui se tiendra à Rio de Janeiro. En conséquence, le président du Groupe de travail III a préparé un aperçu de la question (L.10), et le Groupe de travail a décidé ce qui suit :

- Demander au Secrétaire général de la CNUED de préparer et tenir à jour une compilation des propositions d'ordre institutionnel faites à PrepCom III, ainsi que de celles faites aux Groupes de travail I et II ainsi qu'à la plénière, et aussi des observations pertinentes contenues dans les rapports nationaux qui proviennent des conférences préparatoires régionales centrés sur les moyens d'action possibles.

Dans l'intervalle, il se pourrait que les délégations veuillent discuter de domaines de convergence avant la prochaine réunion préparatoire, puisqu'on s'attend à ce que le président consacre le plus clair de son temps à la Charte de la Terre. De même, il y aurait lieu de se rappeler que la discussion relative aux institutions doit nécessairement se faire à un haut niveau, en particulier si les pays concluent qu'il est nécessaire de créer de nouvelles institutions pour assurer le suivi de la Conférence de 1992.

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OTHER LEGAL, INSTITUTIONAL AND RELATED MATTERS, AS WELL AS LEGAL AND INSTITUTIONAL ASPECTS OF CROSS-SECTORAL ISSUES, INCLUDING THOSE REFERRED TO WORKING GROUP III BY WORKING GROUPS I AND II AND THE PLENARY OF THE PREPARATORY COMMITTEE

Chairman's summary

1. Under this agenda item, Working Group III considered other legal, institutional and related matters, as well as legal and institutional aspects of cross-sectoral issues, including those referred to Working Group III by Working Group I, Working Group II and the plenary of the Preparatory Committee. The Working Group had before it the progress reports on institutions by the Secretary-General (A/CONF.151/PC/36, A/CONF.151/PC/80 and Corr. 1) as well as several documents submitted by delegations (A/CONF.151/PC/81, A/CONF.151/PC/L.29, A/CONF.151/PC/WG.III/L.1 and A/CONF.151/PC/WG.III/L.4). Furthermore, in response to a request by Working Group II at the second session of the Preparatory Committee (decision 2/20, subparagraph 2 (p)), the Working Group had before it for consideration a progress report by the Secretariat on the development of legal instruments for transboundary waters (A/CONF.151/PC/79).

2. In the course of the discussion, most speakers stated that their comments were of necessity preliminary at this stage. Although the Working Group did not attempt to reach any conclusions, there was broad agreement on the following points which could serve as guidance for the future work of the Working Group at the fourth session of the Preparatory Committee:

(a) Some reform of United Nations institutions in the field of environment and development is needed, taking into account general efforts for restructuring and revitalization of the United Nations in the context of General Assembly resolution 45/264.

(b) Working Group III must take into account decisions with institutional implications originating from Working Groups I and II and the Plenary.

(c) Proliferation of institutions at the global level must be avoided.

(d) There is a need to work out mechanisms to promote coordination, both at the intergovernmental level and at the level of the Secretariat and United Nations specialized agencies and programmes involved with environment or development.

(e) Existing international institutions at the global and regional levels in the field of environment and development, including UNEP and UNDP, should be adapted to changed circumstances in order to support sustainable development. There was consensus that UNEP must be strengthened.

(f) Among the goals of institutional reform at the global and regional levels should be enhancement of the capacity of institutions at the national level, especially in developing countries, to ensure the full integration of environment and development.

(g) Institutions and organizations outside the United Nations system, including the non-governmental sector, have an important role in this process.

(h) The Working Group, at the fourth session of the Preparatory Committee, will have to consider the need for institutional arrangements, both at the intergovernmental and secretariat levels for the implementation and continuous review of Agenda 21.

3. In order to facilitate discussion at the fourth session of the Preparatory Committee, the necessary documentation should be prepared by the Secretariat. Specifically, an updated compilation of institutional proposals made by delegations during the third session of the Preparatory Committee, including those made in Working Groups I and II and the plenary, with a focus on options for action, is required. In this context, the matrix developed by the delegation of Canada should be used, as well as the relevant information contained in national reports. In addition, it is expected that the Working Group will have before it, in response to General Assembly resolution 44/229, a report by the Secretary-General on the structure and responsiveness of the United Nations in dealing with major environmental issues.

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CONFERENCE ON ENVIRONMENT AND DEVELOPMENT
Third session
Geneva, 12 August-4 September 1991
Agenda item 5

ADOPTION OF THE REPORT OF THE PREPARATORY COMMITTEE

Report of Working Group III

Rapporteur: Mr. John SLOAN (Canada)

I. ORGANIZATIONAL MATTERS

A. Organization of the session

1. Working Group III held 11 meetings (6th to 16th) from 19 to 30 August 1991.

B. Officers of the Working Group

2. The officers, who were elected by the Working Group at its first session, remained:

Chairman: Bedrich Moldan (Czechoslovakia)

Vice-Chairmen: Oswaldo de Rivero (Peru)
Reynaldo Arcilla (Philippines)
Albert Muchanga (Zambia)

Rapporteur: John Sloan (Canada).

GE.91-72427/3632B

C. Adoption of the agenda and other organizational matters

At the 6th meeting, on 19 August, the Secretary-General of the Conference made an introductory statement on the work of the Working Group.

3. At its 6th meeting, on 19 August, the Working Group approved its agenda as contained in Section IV of document A/CONF.151/PC/39 and Corr.1. The agenda was as follows:

1. Adoption of the agenda and other organizational matters

2. Continuation and conclusion of the discussion on all matters pertaining to the terms of reference of Working Group III, as adopted, in accordance with General Assembly resolution 44/228

3. Survey of existing agreements and instruments, and criteria for evaluation

4. Principles on general rights and obligations

5. Other legal, institutional and related matters, as well as legal and institutional aspects of cross-sectoral issues, including those referred to Working Group III by Working Groups I and II and the plenary of the Preparatory Committee

6. Provisional agenda for the third session of Working Group III

7. Adoption of the report of Working Group III.

D. Documentation

4. The Working Group had before it the following documents:

(a) Progress report of the Secretary-General of the Conference on institutions (A/CONF.151/PC/36);

(b) Note by the secretariat on a survey of existing agreements and instruments, and criteria for evaluation (A/CONF.151/PC/77);

(c) Note by the secretariat on an annotated check-list of principles on general rights and obligations (A/CONF.151/PC/78);

(d) Progress report by the secretariat on the development of legal instruments for transboundary waters (A/CONF.151/PC/79);

(e) Progress report of the Secretary-General of the Conference on institutions (A/CONF.151/PC/80);

(f) Letter dated 27 June 1991 from the Permanent Representative of Peru to the United Nations Office at Geneva addressed to the Secretary-General of the United Nations Conference on Environment and Development (A/CONF.151/PC/81);

(g) Letter dated 17 July 1991 from the Permanent Representative of Peru to the United Nations Office at Geneva addressed to the Secretary-General of the United Nations Conference on Environment and Development (A/CONF.151/PC/83);

(h) Letter dated 19 March 1991 from the head of the delegation of Austria to the Preparatory Committee for the United Nations Conference on Environment and Development at its second session addressed to the Deputy Secretary-General of the United Nations Conference on Environment and Development (A/CONF.151/PC/L.29);

(i) Letter dated 26 March 1991 from the head of the delegation of Austria to the Preparatory Committee for the United Nations Conference on Environment and Development at its second session addressed to the Secretary-General of the United Nations Conference on Environment and Development (A/CONF.151/PC/WG.III/L.1);

(j) United States proposal for improving United Nations institutional involvement in environmental affairs: enhancing central coordination and the role of UNEP (A/CONF.151/PC/WG.III/L.4);

(k) Letter dated 15 August 1991 from the Head of the delegation of Canada to the Preparatory Committee for the United Nations Conference on Environment and Development at its third session addressed to the Secretary-General of the United Nations Conference on Environment and Development (A/CONF.151/PC/WG.III/L.5);

(l) Draft proposal submitted by Ghana on behalf of the States Members of the United Nations that are members of the Group of 77 (A/CONF.151/PC/WG.III/L.6);

(m) Draft report of Working Group III (A/CONF.151/PC/WG.III.L.7 and Add.1);

(n) Chairman's consolidated draft (A/CONF.151/PC/WG.III/L.8 and Corr.1 and Add.1);

(o) Chairman's summary, submitted under item 3 (A/CONF.151/PC/WG.III/L.9 and Corr.1);

(p) Chairman's summary, submitted under item 5 (A/CONF.151/PC/WG.III/L.10);

(q) Draft decision submitted by Sweden (A/CONF.151/PC/WG.III/L.11);

(r) Draft decision submitted by Austria, Czechoslovakia, Hungary, Italy, Kenya, Poland, Switzerland and Yugoslavia (A/CONF.151/PC/WG.III/L.12);

(s) Chairman's summary, submitted under item 4 (A/CONF/151/PC/WG.III/L.13);

(t) Provisional agenda for the third session of Working Group III (A/CONF.151/PC/WG.III/L.14);

(u) Draft decisions submitted by the Chairman (A/CONF.151/PC/WG.III/L.15);

(v) Letter dated 23 August 1991 from the Permanent Representative of the Holy See to the Preparatory Committee for the United Nations Conference on Environment and Development at its third session addressed to the Secretary-General of the United Nations Conference on Environment and Development (A/CONF.151/PC/WG.III/L.16*);

(w) Letter dated 29 August 1991 from the Head of the delegation of Colombia to the Preparatory Committee for the United Nations Conference on Environment and Development at its third session addressed to the Secretary-General of the United Nations Conference on Environment and Development (A/CONF.151/PC/WG.III/L.17*);

(x) Draft decision proposed by the Chairman on the basis of informal consultations (A/CONF.151/PC/WG.III/L.18);

(y) Proposal submitted by the Union of Soviet Socialist Republics (A/CONF.151/PC/CRP.8).

5. A complete list of documents is contained in annex I to the report of the Preparatory Committee.

II. CONTINUATION AND CONCLUSION OF THE DISCUSSION ON ALL MATTERS PERTAINING TO THE TERMS OF REFERENCE OF WORKING GROUP III, AS ADOPTED, IN ACCORDANCE WITH GENERAL ASSEMBLY RESOLUTION 44/228

6. The Working Group considered the question of the continuation and conclusion of the discussion on all matters pertaining to the terms of reference of Working Group III, as adopted, in accordance with General Assembly resolution 44/228 (agenda item 2) at its 6th meeting, on 19 August.

7. At the 6th meeting, on 19 August, the representative of the secretariat of the United Nations Conference on Environment and Development made an introductory statement. Statements were made by the representatives of Mali and Canada. The Chairman made a concluding statement.

III. SURVEY OF EXISTING AGREEMENTS AND INSTRUMENTS, AND CRITERIA FOR EVALUATION

8. The Working Group considered the question of the survey of existing agreements and instruments, and criteria for evaluation (agenda item 3) at its 6th, 7th, 14th and 15th meetings, on 19, 27 and 29 August.

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* To be issued.

9. At the 6th meeting, on 19 August, the representative of the secretariat of the United Nations Conference on Environment and Development made an introductory statement. Statements were made by the representatives of Sweden, United Republic of Tanzania, Peru, Mali, New Zealand, the United States of America, Brazil, Mexico, Tunisia, Austria, Malaysia, Burkina Faso, Kenya, Viet Nam and the Netherlands (on behalf of the European Community and its member States). Statements were also made by the representatives of the International Union for the Conservation of Nature and Natural Resources and Baha'i International Community, non-governmental organizations accredited to the Preparatory Committee in accordance with its decision 2/2.

10. At the 7th meeting, on 19 August, statements were made by the representatives of Italy, Kiribati, Egypt, Romania, Australia, Singapore, the Philippines, China, Chile, Indonesia, Nigeria, Poland, Germany, India, Kuwait, the Union of Soviet Socialist Republics, Zimbabwe, Canada, the Sudan, Peru, the United States of America and Mexico. The representative of the International Committee of the Red Cross made a statement. Statements were also made by the representatives of Greenpeace International, Four Directions Council and Consortium for Action to Protect the Earth (CAPE '92), non-governmental organizations accredited to the Preparatory Committee in accordance with its decision 2/2. The representative of the United Nations Centre on Transnational Corporations also made a statement.

11. The Chairman's summary of the discussion was subsequently issued in document A/CONF.151/PC/WG.III/L.9 and Corr.1.

12. At the 15th meeting, on 29 August, the Chairman introduced a draft decision, contained in document A/CONF.151/PC/WG.III/L.15, entitled "Survey of existing agreements and instruments, and criteria for evaluation", which he had submitted on the basis of informal consultations, and orally revised it as follows:

(a) In paragraph (b), the words "Agrees on" were replaced by the word "Welcomes";

(b) In paragraph (c), the words "agreed criteria" were replaced by the words "proposed criteria" and the phrase "and in cooperation with the international secretariats or depositaries concerned, as applicable" was added at the end of the paragraph.

13. At the same meeting, the Working Group approved the draft decision, as orally revised, and recommended it to the Preparatory Committee for adoption (see para. 44 below, draft decision I).

IV. PRINCIPLES ON GENERAL RIGHTS AND OBLIGATIONS

14. The Working Group considered the question of principles on general rights and obligations (agenda item 4) at its 8th to 10th, 14th and 16th meetings, on 20, 21 27 and 30 August.

15. At the 8th meeting, on 20 August, the representative of the secretariat of the United Nations Conference on Environment and Development made an introductory statement. Statements were made by the representatives of Canada, Peru, Egypt, the United States of America, the Union of Soviet Socialist Republics, China, Colombia, Romania, the United Republic of Tanzania, Singapore, Malta, Nigeria, Mali, Fiji, Mexico, New Zealand, Burkina Faso, Austria and Malaysia. The representative of the World Meteorological Organization also made a statement.

16. At the 9th meeting, on 20 August, statements were made by the representatives of the Netherlands (on behalf of the European Community and its member States), Gambia, Sweden, the Holy See, Germany, Niger, Chile, Pakistan, India, Brazil, Kenya, Kiribati, Algeria, Australia, the Philippines and Indonesia. The representative of the Food and Agriculture Organization of the United Nations also made a statement. Statements were made by the representatives of the International Confederation of Free Trade Unions, the Women's International League for Peace and Freedom, the Poverty and Affluence Working Group, Sahabat Alam Malaysia, Four Directions Council, Green Forum Philippines, the World Council of Churches and Brahma Kumaris World Spiritual University, non-governmental organizations accredited to the Preparatory Committee in accordance with its decisions 2/2 and ___.

17. At the 10th meeting, on 21 August, statements were made by the representatives of Côte d'Ivoire, the Republic of Korea, Norway, Japan, Zimbabwe, Cameroon, Bolivia, Venezuela, Trinidad and Tobago, the Sudan, Nepal, Tonga, Tunisia, Ghana (on behalf of the States Members of the United Nations that are members of the Group of 77), Malawi, Jamaica, Mauritius, Finland, Brazil, Italy and Saint Lucia. The Special Rapporteur on Human Rights and the Environment made a statement. The representative of the South Pacific Regional Environment Programme also made a statement. Statements were made by the representatives of the Natural Heritage Institute, Consortium for Action to Protect the Earth (CAPE '92), the United States Citizens' Network on UNCED, the International Indigenous Commission, Centre International de Droit Compare de l'Environnement and the Public Campaign on Environment and Development, non-governmental organizations accredited to the Preparatory Committee in accordance with its decisions 2/2 and ___.

18. The Chairman's summary of the discussion was subsequently issued in document A/CONF.151/PC/WG.III/L.13.

19. At the 14th meeting, on 27 August, the representative of Ghana, on behalf of the States Members of the United Nations that are members of the Group of 77, introduced a draft decision (A/CONF.151/PC/WG.III/L.6) entitled "Rio de Janeiro Charter/Declaration on Environment and Development" and corrected subparagraph 2 (L) by replacing the word "natural" by the word "national".

20. At the same meeting, the representative of Australia made a statement.

21. At the 16th meeting, on 30 August, the Chairman introduced a draft decision (A/CONF.151/PC/WG.III/L.18), entitled "Principles on general rights and obligations", which he had submitted on the basis of informal consultations.

22. Statements were made by the representatives of the Netherlands (on behalf of the European Community and its member States), Ghana (on behalf of the States Members of the United Nations that are members of the Group of 77), Chile, the United States of America, Singapore, the United Republic of Tanzania, Romania, Tunisia, Mauritius, Nepal, Mauritania, Malta and the Union of Soviet Socialist Republics. The Secretary and the representative of the secretariat of the United Nations Conference on Environment and Development responded to questions raised.

23. At the same meeting, the Chairman orally revised the draft decision as follows:

(a) In paragraph (a), "A/CONF.151/PC/78 and" was inserted before the word "documents";

(b) Paragraph (b), which read:

"Decides to take action on A/CONF.151/PC/WG.III/L.6 at its fourth session;"

was replaced by the following text:

"Decides to consider and take appropriate action on A/CONF.151/PC/WG.III/L.6 at its fourth session;"

(c) In paragraph (c), the words "contained in these documents" were replaced by the words "contained in the above-mentioned documents" and the phrase "after the third session of the Preparatory Committee", were added at the end of the paragraph.

24. At the same meeting, the Working Group approved the draft decision, as orally revised, and recommended it to the Preparatory Committee for adoption (see para. 44 below, draft decision II).

V. OTHER LEGAL, INSTITUTIONAL AND RELATED MATTERS, AS WELL AS LEGAL AND INSTITUTIONAL ASPECTS OF CROSS-SECTORAL ISSUES, INCLUDING THOSE REFERRED TO WORKING GROUP III BY WORKING GROUPS I and II AND THE PLENARY OF THE PREPARATORY COMMITTEE

25. The working group considered the question of other legal, institutional and related matters, as well as legal and institutional aspects of cross-sectoral issues, including those referred to Working Group III by Working Groups I and II and the plenary of the Preparatory Committee (agenda item 5) at its 11th to 15th meetings, on 22, 23, 27 and 29 August 1991.

26. At the 11th meeting, on 22 August, the representative of the secretariat of the United Nations Conference on Environment and Development introduced the progress report of the Secretary-General of the Conference on institutions, (A/CONF.151/PC/80). Statements were made by the representatives of Peru, Singapore, Austria, the Netherlands (on behalf of the European Community and its member States), Chile, Brazil, Sweden, Canada, Switzerland, Mali, the United Republic of Tanzania, Malaysia, Mexico, China, Fiji and Cuba.

27. At the 12th meeting, on 22 August, statements were made by the representatives of Kuwait, Colombia, Romania, the United States of America, Finland, Algeria, Norway, Indonesia, Kenya, Australia, India, the Philippines, New Zealand, Czechoslovakia, Bangladesh, Germany, Zimbabwe and the Central African Republic. The representative of the Economic Commission for Latin America and the Caribbean made a statement on behalf of the regional commissions. Statements were also made by the Netherlands National Committee for IUCN, the Citizen's Alliance for Saving the Atmosphere and the Earth and the International Union for the Conservation of Nature and Natural Resources, non-governmental organizations accredited to the Preparatory Committee in accordance with its decisions 2/2 and ___.

28. At the 13th meeting, on 23 August, statements were made by the representatives of Pakistan, Zambia, Guyana, Barbados, Mauritius, Gambia, Malawi, Japan, Saint Lucia, the United States of America, Guinea, Egypt and Uganda. Statements were also made by the representatives of Consortium for Action to Protect the Earth (CAPE '92), Greenpeace International, World Association for World Federation, Centre of Development of International Law and Four Directions Council, non-governmental organizations accredited to the Preparatory Committee in accordance with its decisions 2/2 and ___.

29. The Chairman's summary of the discussion was subsequently issued in document A/CONF.151/PC/WG.III/L.10.

30. At the 14th meeting, on 27 August, the representative of Sweden introduced a draft decision entitled "Legal instruments for transboundary waters" (A/CONF.151/PC/WG.III/L.11).

31. At the same meeting, statements were made by the representatives of India and the Netherlands (on behalf of the European Community and its member States).

The Chairman made a statement.

32. At the 15th meeting, on 29 August, the Working Group was informed that, as a result of informal consultations on A/CONF.151/PC/WG.III/L.11, it had been agreed to replace the words in the operative paragraph "under the agenda item on other legal, institutional and related matters" by the words "under agenda item 2 of Working Group III at the fourth session of the Preparatory Committee."

33. At the same meeting, the Working Group approved the draft decision, as orally revised, and recommended it to the plenary of the Preparatory Committee for adoption (see para. 44 below, draft decision III).

34. At the 14th meeting, on 27 August, the representative of Austria, on behalf of Austria, Czechoslovakia, Hungary, Italy, Kenya, Poland, Switzerland and Yugoslavia, introduced a draft decision entitled "Environmental disputes: prevention and settlement" (A/CONF.151/PC/WG.III/L.12).

35. At the same meeting, statements were made by the representatives of the United States of America, India, Brazil, Argentina, the Netherlands (on behalf of the European Community and its member States), Mexico, Chile, Senegal and Peru.

36. At the 15th meeting, on 29 August, the Vice-Chairman, Mr. Muchanga (Zambia), informed the Working Group of the following changes to the draft decision which had been agreed to during informal consultations:

Operative paragraphs 1 and 2, which read:

"1. Decides to include in the provisional agenda for its fourth session, as a separate item, 'Dispute prevention and dispute settlement concerning the environment';

"2. Requests the secretariat, in the evaluation of international agreements in preparation for the fourth session of the Preparatory Committee, to give special attention to existing international mechanisms for the prevention and settlement of disputes concerning the environment, to analyse critically these existing mechanisms and to identify gaps therein."

were replaced by the following text:

"1. Decides to devote one or two sessions of Working Group III under agenda item 2 at the fourth session of the Preparatory Committee to subparagraph 15 (w) of General Assembly resolution 44/228; and

"2. Requests the secretariat, in the evaluation of international agreements in preparation for the fourth session of the Preparatory Committee, to give special attention to the mandate of paragraph 15 (w) of General Assembly resolution 44/228."

37. At the same meeting, the Working Group approved the draft decision, as orally revised, and recommended it to the plenary of the Preparatory Committee for adoption (see para. 44 below, draft decision IV).

38. Before the draft decision was approved, statements were made by the representatives of Nepal and the United Republic of Tanzania, as well as by the Chairman.

39. At the 15th meeting, on 29 August, the Chairman introduced a draft decision, also contained in document A/CONF.151/PC/WG.III/L.15, entitled "Other legal, institutional and related matters, as well as legal and institutional aspects of cross-sectoral issues, including those referred to Working Group III by Working Groups I and II and the plenary of the Committee", which he had submitted on the basis of informal consultations, and orally revised it as follows:

(a) The title of the draft decision was revised to read "Institutions";

(b) In subparagraph (a), the words "and the comments thereon, and" were added at the end of the paragraph;

(c) In paragraph (b), the words "and others" were inserted after the words "proposals made by delegations" and the words "as well as those contained in national reports, with a focus on options for action" were replaced by the words "as well as relevant observations that may be contained in national reports and originating from regional preparatory conferences, with a focus on options for action".

40. At the same meeting, the Working Group approved the draft decision, as orally revised, and recommended it to the Preparatory Committee for adoption (see para. 44 below, draft decision V).

VI. PROVISIONAL AGENDA FOR THE THIRD SESSION OF THE WORKING GROUP

41. At its 15th meeting, on 29 August, the Working Group approved the draft provisional agenda for its third session (A/CONF.151/PC/WG.III/L.14), as orally amended, and recommended it to the Preparatory Committee for adoption (see para. 44 below, draft decision VI).

42. Before the provisional agenda was approved, statements were made by the representatives of the Netherlands (on behalf of the European Community and its member States), the Union of Soviet Socialist Republics, Argentina, the Philippines, Australia and India. The representative of the secretariat of the United Nations Conference on Environment and Development also made a statement.

VII. ADOPTION OF THE REPORT OF WORKING GROUP III

43. At its 15th meeting, on 29 August, the Working Group adopted its draft report as contained in documents A/CONF.151/PC/WG.III/L.7 and Add.1, as amended during the discussion.

RECOMMENDATIONS OF WORKING GROUP III

44. Working Group III recommends to the Preparatory Committee for the United Nations Conference on Environment and Development the adoption of the following draft decisions:

DRAFT DECISION I

Survey of existing agreements and instruments, and criteria for evaluation

The Preparatory Committee for the United Nations Conference on Environment and Development:

(a) Takes note of the report by the secretariat on the survey of existing agreements and instruments, and criteria for evaluation (A/CONF.151/PC/77);

(b) Welcomes the expected outcome of its work on this agenda item, as reflected in annex I;

(c) Requests the Secretary-General of the United Nations Conference on Environment and Development to compile the necessary background information in accordance with the proposed criteria for evaluating the effectiveness of existing agreements and instruments (annex II), on the basis of a revised list of such agreements and instruments (annex III) and in cooperation with the international secretariats or depositaries concerned, as applicable.

ANNEX I

Expected outcomes

In accordance with its terms of reference, Working Group III will prepare an annotated list of existing international agreements and international legal instruments in the environmental field, describing their purpose and scope, evaluating their effectiveness, and examining possible areas for the further development of international environmental law, in the light of the need to integrate environment and development, especially taking into account the special needs and concerns of the developing countries.

Possible areas to be examined in the context of Agenda 21 are:

(a) Priorities for future law-making at the appropriate level, incorporating environmental and developmental concerns;

(b) Measures to promote and support the effective participation of developing countries in the negotiation and operation of international agreements or instruments, including technical and financial assistance and other available mechanisms for this purpose;

(c) Measures for effective implementation and compliance, regular assessment and timely review and adjustment of agreements or instruments by the Parties concerned;

(d) Measures for improving the effectiveness of institutions and procedures for the administration of agreements and instruments;

(e) Measures for the resolution and prevention of conflicts, including potential conflicts between environmental and development/trade agreements or instruments, also with a view to ensuring that such agreements and instruments are mutually reinforcing.

ANNEX II

Criteria for evaluating the effectiveness of existing agreements or instruments

(Some of the criteria listed may not be applicable to all agreements or instruments to be evaluated).

A. Objectives and achievement

1. What are the basic objectives formulated in the international agreements and instruments evaluated, and how do these objectives relate to the effective integration of environment and development?

2. In the case of regional agreements and instruments, what is their actual and potential bearing on global environmental protection and sustainable development?

3. Do these agreements or instruments take into account the special circumstances of developing countries?

4. To what extent have the basic objectives (environmental/developmental) formulated in international agreements and instruments been met, and how is goal achievement measured?

B. Participation

5. Is membership limited or open-ended?

6. Are reservations possible, and to what extent have they been used?

7. What is the current geographical distribution of membership in existing environmental agreements and instruments, especially as regards developing countries?

8. What is the record of actual participation by developing countries in the negotiation and drafting of these agreements and instruments, and in programme activities and meetings organized under these agreements and instruments?

9. Which incentives (e.g. financial, trade, technology benefits) are available to encourage participation and facilitate implementation by developing countries?

10. Which measures have been taken to promote and support the effective participation of developing countries in the negotiation and operation of international agreements or instruments, including technical and financial assistance and other available mechanisms for this purpose?

11. Which factors influenced the participation, especially of developing countries, in the agreement or instrument? e.g.

    (a) Financial resources required and available for participation in the agreement or instrument;

    (b) Technical assistance required and available for participation in the agreement or instrument;

    (c) Scientific assistance required and available for participation in the agreement or instrument;

    (d) Information on the (operation of the) agreement or instrument to Governments, parliaments, press, NGOs, industries and the general public;

    (e) Role of parliaments, press, NGOs, industries and public opinion in general;

    (f) Availability of reservations.

C. Implementation

12. To what extent has the implementation of agreements or instruments been constrained or accelerated by provisions regarding their entry into force?

13. What are the commitments imposed on parties by these agreements and instruments, and how is compliance by parties with their commitments monitored and measured?

14. How do parties report on their performance in implementing agreements and instruments, and to what extent have they complied with reporting duties?

15. Which are the specific requirements (if any) of data supply and data disclosure, and to what extent have they been met by the parties?

16. Which possibilities exist to promote compliance and to follow up on non-compliance, and to what extent have they been used?

17. Which mechanisms are available to deal with disputes over implementation and to what extent have they been used?

18. Which factors influenced the implementation? e.g.

    (a) Financial resources required and available for implementation of the agreement or instrument;

(b) Technical assistance required and available for implementation of the agreement or instrument;

(c) Scientific assistance required and available for implementation of the agreement or instrument;

(d) Information on the (operation of the) agreement or instrument to Governments, parliaments, press, NGOs, industries and the general public;

(e) Role of parliaments, press, NGOs, industries and public opinion in general;

(f) International supervisory or implementing bodies;

(g) Obligations to report on compliance and/or to supply and disclose data;

(h) Non-compliance procedures and procedures for settlement of disputes (including fact-finding procedures).

D. Information

19. In which form and in which languages are the texts of existing agreements and instruments published and disseminated?

20. How is current information on the operation and implementation of international agreements and instruments made available to Governments, to the industries concerned and to the general public?

21. What additional materials are available to provide guidance for the implementation of international agreements and instruments at the national level?

22. To what extent is the above information used in international and national training and education programmes?

E. Operation, review and adjustment

23. Which are the institutional arrangements for international administration of existing agreements and instruments?

24. What are the annual (1990) costs of international administration (secretariat, meetings, programmes) of agreements and instruments, and how are they financed?

25. Which are the main benefits and the main cost elements of national participation in existing agreements and instruments, and which possibilities exist to reduce participation cost for developing countries?

26. Which mechanisms are available to ensure that scientific knowledge and advice is taken into account in policy-making decisions under these agreements and instruments?

27. How do these arrangements and mechanisms ensure the effective participation of (a) national authorities, especially from developing countries; and (b) non-governmental participants, including the industries concerned and the scientific community?

28. Which mechanisms are available to ensure periodic review and adjustment of international agreements and instruments in order to meet new requirements, and to what extent have they been used?

F. Codification programming

29. Which new drafts, or draft revisions of existing agreements and instruments, in the environmental field are currently under preparation or negotiation?

30. To what extent and through which mechanisms is drafting coordinated with related work regarding other agreements and instruments?

31. Which are the remaining gaps that need to be covered by legal provisions?

32. To what extent are mechanisms other than formal agreements or instruments contributing to the development of international law in the field of the environment?

ANNEX III

Revision of the list of agreements and instruments contained in A/CONF.151/PC/77

1. In section (A), take into account the Declaration of the United Nations Conference on the Human Environment, the 1982 World Charter for Nature, and add the 1957 Treaty Establishing the European Economic Community (as revised by the 1986 Single European Act) with reference to environment-related EEC agreements, decisions, directives and regulations.

2. Include an evaluation of the relationship between existing agreements or instruments in the environmental field and relevant international trade agreements and other development-related agreements or instruments, taking into account the 1990 Declaration on International Economic Cooperation of the General Assembly, the International Development Strategy for the Fourth United Nations Development Decade, and progress in the preparation of a Code of Conduct for Transnational Corporations.

3. In section (B), include representative examples of relevant bilateral agreements or instruments regarding shared natural resources and the protection and enhancement of the environment.

4. In section (C), include environment-related agreements and instruments regarding outer space.

5. In section (E), delete Nos. 65 and 67 and add the 1989 Convention on the Prohibition of Driftnet Fishing in the South Pacific, and related protocols.

6. In section (F), correct the French title of No. 84.

7. Rearrange Nos. 32, 35, 42, 83, 86, 87, 88 and 91 in a new section on "liability for damage".

DRAFT DECISION II

Principles on general rights and obligations

The Preparatory Committee for the United Nations Conference on Environment and Development,

(a) Taking note of A/CONF.151/PC/78 and documents submitted by delegations (A/CONF.151/PC/WG.III/CRP.8, A/CONF.151/PC/83, A/CONF.151/PC/WG.III/L.5, A/CONF.151/PC/WG.III/L.6, A/CONF.151/PC/WG.III/L.16*, and A/CONF.151/PC/WG.III/L.17*);

(b) Decides to consider and take appropriate action on A/CONF.151/PC/WG.III/L.6 at its fourth session;

(c) Decides to take as a basis for the discussion at the fourth session of the Preparatory Committee, the ideas and proposals contained in the above-mentioned documents, in combination with the proposals from delegations contained in A/CONF.151/PC/WG.III/L.8 and Add.1, without prejudice to further contributions or proposals to be submitted by national delegations or regional groups after the third session of the Preparatory Committee;

(d) Requests the Secretary-General of the United Nations Conference on Environment and Development to update A/CONF.151/PC/WG.III/L.8 to incorporate all proposals from delegations and to reflect precisely the state of discussions on it at the end of the third session of the Preparatory Committee in preparation for further deliberations at the fourth session of the Preparatory Committee.

DRAFT DECISION III

Legal instruments for transboundary waters

The Preparatory Committee of UNCED,

Having taken note of the progress report of the Secretary-General on the development of legal instruments for transboundary waters (A/CONF.151/PC/79),

In view of the need to take into account further progress on this matter in the International Law Commission of the United Nations and in the United Nations Economic Commission for Europe, as well as the results of the International Conference on Water and the Environment,

Decides to consider this matter under agenda item 2 of Working Group III at the fourth session of the Preparatory Committee.

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* To be issued after the sessi .

DRAFT DECISION IV

Environmental disputes: prevention and settlement

The Preparatory Committee of the United Nations Conference on Environment and Development,

Recalling General Assembly resolution 44/228 on the United Nations Conference on Environment and Development and in particular paragraph 15 (w), under which the Conference should assess the capacity of the United Nations system to assist in the prevention and the settlement of disputes in the environmental sphere and to recommend measures in this field, while respecting existing bilateral and multilateral agreements that provide for the settlement of such disputes,

Bearing in mind the interrelationship of environmental policies, development strategies and peaceful cooperation to achieve global sustainable development,

Recalling Principle 21 of the Declaration of the United Nations Conference on the Human Environment, held in Stockholm in June 1972,

Taking note of the proposals contained in A/CONF.151/PC/L.29 of 22 March 1991 and A/CONF.151/PC/WG.III/L.1 of 27 March 1991,

1. Decides to devote one or two sessions of Working Group III under agenda item 2 at the fourth session of the Preparatory Committee to subparagraph 15 (w) of General Assembly resolution 44/228; and

2. Requests the secretariat, in the evaluation of international agreements in preparation for the fourth session of the Preparatory Committee, to give special attention to the mandate of paragraph 15 (w) of General Assembly resolution 44/228.

DRAFT DECISION V

Institutions

The Preparatory Committee for the United Nations Conference on Environment and Development,

(a) Takes note of the progress reports on institutions by the Secretary-General of the Conference (A/CONF.151/PC/36, A/CONF.151/PC/80 and Corr.1) and comments thereon; and

(b) Requests the Secretary-General of the United Nations Conference on Environment and Development to prepare an updated compilation of institutional proposals made during the third session of the Preparatory Committee, including those made in Working Groups I and II and the plenary as well as relevant observations that may be contained in national reports, and originating from regional preparatory conferences with a focus on options for action.

DRAFT DECISION VI

Provisional agenda for the third session of Working Group III

1. Adoption of the agenda and other organizational matters

2. Survey of existing agreements and instruments and its follow up

3. Principles on general rights and obligations

4. Other legal, institutional and related matters, as well as legal and institutional aspects of cross-sectoral issues, including those referred to Working Group III by Working Group I, Working Group II and the Plenary of the Preparatory Committee

5. Adoption of the report of the Working Group.

ANNEX I

Documents before Working Group III

Document number	Agenda item	Title or description
A/46/48 (Part I)		Report of the Preparatory Committee for the United Nations Conference on Environment and Development on its second session
A/CONF.151/PC/36	5	Progress report of the Secretary-General of the Conference on institutions
A/CONF.151/PC/39 and Corr.1	1	Annotated provisional agenda for the third session of the Preparatory Committee
A/CONF.151/PC/77	3	Note by the secretariat on a survey of existing agreements and instruments, and criteria for evaluation
A/CONF.151/PC/78	4	Note by the secretariat on an annotated check-list of principles on general rights and obligations
A/CONF.151/PC/79	5	Progress report by the secretariat on the development of legal instruments for transboundary waters
A/CONF.151/PC/80	5	Progress report of the Secretary-General of the Conference on institutions
A/CONF.151/PC/81	5	Letter dated 27 June 1991 from the Permanent Representative of Peru to the United Nations Office at Geneva addressed to the Secretary-General of the United Nations Conference on Environment and Development

Document number	Agenda item	Title or description
A/CONF.151/PC/83	4	Letter dated 17 July 1991 from the Permanent Representative of Peru to the United Nations Office at Geneva addressed to the Secretary-General of the United Nations Conference on Environment and Development
A/CONF.151/PC/L.29	5	Letter dated 19 March 1991 from the head of the delegation of Austria containing a proposal submitted by the PENTAGONALE countries and Poland, regarding a resolution on the prevention of international disputes concerning the environment
A/CONF.151/PC/WG.III/L.1	5	Letter dated 26 March 1991 from the head of the delegation of Austria containing a proposal submitted by the PENTAGONALE countries and Poland, regarding elements for a resolution on the settlement of international disputes concerning the environment
A/CONF.151/PC/WG.III/L.4	5	United States proposal for improving United Nations institutional involvement in environmental affairs: enhancing central coordination and the role of UNEP

Document number	Agenda item	Title or description
A/CONF.151/PC/WG.III/L.5	4	Letter dated 15 August 1991 from the Head of the delegation of Canada to the Preparatory Committee for the United Nations Conference on Environment and Development at its third session addressed to the Secretary-General of the United Nations Conference on Environment and Development
A/CONF.151/PC/WG.III/L.6	4	Draft proposal submitted by Ghana on behalf of the States Members of the United Nations that are members of the Group of 77
A/CONF.151/PC/WG.III/L.7 and Add.1	7	Draft report of Working Group III
A/CONF.151/PC/WG.III/L.8 and Corr.1 and Add.1	4	Chairman's consolidated draft
A/CONF.151/PC/WG.III/L.9 and Corr.1	3	Chairman's summary
A/CONF.151/PC/WG.III/L.10	5	Chairman's summary
A/CONF.151/PC/WG.III/L.11	5	Draft decision submitted by Sweden
A/CONF.151/PC/WG.III/L.12	5	Draft decision submitted by Austria, Czechoslovakia, Hungary, Italy, Kenya, Poland, Switzerland and Yugoslavia
A/CONF.151/PC/WG.III/L.13	4	Chairman's summary
A/CONF.151/PC/WG.III/L.14	6	Provisional agenda for the third session of Working Group III
A/CONF.151/PC/WG.III/L.15	3 and 5	Draft decisions submitted by the Chairman

Document number	Agenda item	Title or description
A/CONF.151/PC/WG.III/L.16	4	Letter dated 23 August 1991 from the Permanent Representative of the Holy See to the Preparatory Committee for the United Nations Conference on Environment and Development at its third session addressed to the Secretary-General of the United Nations Conference on Environment and Development
A/CONF.151/PC/WG.III/L.17	4	Letter dated 29 August 1991 from the Head of the delegation of Colombia to the Preparatory Committee for the United Nations Conference on Environment and Development at its third session addressed to the Secretary-General of the United Nations Conference on Environment and Development
A/CONF.151/PC/WG.III/L.18	4	Draft decision proposed by the Chairman on the basis of informal consultations
A/CONF.151/PC/CRP.8	2	Proposal submitted by the Union of Soviet Socialist Republics

CHARTE DE LA TERRE

RÉSUMÉ

Le Groupe de travail III a entrepris la tâche difficile et laborieuse consistant à rédiger une "Charte de la Terre" ou "Déclaration de Rio" à la Troisième session du Comité préparatoire (PrepCom III). En fait, le Groupe a réalisé plus que ce bien des gens espéraient, mais la session de négociation réellement épineuse sera à PrepCom IV à New-York. Une initiative du G-77 visant à établir des directives pour la rédaction du document a également été reportée jusqu'à la tenue de la réunion de New-York. Un accord très large a été réalisé au sujet du point suivant : le document final doit être court, concis, compréhensible, étroitement relié à Agenda 21 (le Plan d'action pour le XXI[e] siècle) et il doit s'inspirer des déclarations précédentes et aller au-delà de ces dernières (Stockholm, Charte de la nature) . L'ébauche, qui tient sur une page, continue d'influencer les réflexions d'un grand nombre de délégations et demeure, sinon un document de base essentiel, du moins un document important.

Documentation

A/CONF.151/PC/78 - *General Principles* (Principes généraux)

A/CONF.151/PC/83 - *Peruvian Draft Earth Charter* (Ébauche péruvienne de la Charte de la Terre)

A/CONF.151/PC/CRP.8 - *USSR Proposal on the Earth Charter* (Proposition de l'URSS pour la Charte de la Terre

A/CONF.151/PC/WG.III/L.5 - *Canadian Draft Earth Charter* (Ébauche canadienne de la Charte de la Terre)

A/CONF.151/PC/WG.III/L.6 - *G-77 Draft Decision on Guidelines* (Ébauche de décision du G-77 concernant les directives)

A/CONF.151/PC/WG.III/L.8 Corr.1, Add.1, Rev.1 - *Compilation of Proposals of Delegations* (Compilation des propositions des délégations)

A/CONF.151/PC/WG.III/L.10 - *Chairman's Summary* (Résumé préparé par le président)

DÉBATS DU PREPCOM

Les principaux objectifs du Canada étaient les suivants :

- Dans les mois qui ont précédé le PrepCom III de la CNUED, le Canada avait consacré des efforts considérables à la préparation d'une Charte de la Terre d'une page, dans laquelle étaient exposés huit principes. Certes, on ne s'attendait pas à ce

que les formulations exactes de l'ébauche canadienne aillent au-delà du processus initial de négociation, mais l'objectif du Canada était d'assurer que les délégués apprécient et, si possible, acceptent le style, la structure, la longueur, la clarté et la cohésion interne de ce document comme des buts qui guideraient la rédaction de la version définitive de la Charte de la Terre. Cet objectif a été atteint, car tous les éléments de l'ébauche canadienne demeurent dans le document de négociation. En outre, la Charte canadienne demeure le "modèle" pour un grand nombre de délégations, de sorte qu'elle va continuer à influencer dans un sens positif le processus de rédaction.

À la demande du Président du Groupe de travail III, le Canada a été la première délégation à intervenir dans la discussion relative à une éventuelle Charte de la Terre. Le président de la Conférence, M. Koh, le secrétaire général de la CNUED, M. Strong, et le président du Groupe de travail III, M. Moldan ont tous été très impressionnés par l'ébauche de la Charte canadienne et par la réflexion qui se dégage de toute évidence de ce document. Ainsi, afin de mieux orienter le débat au sein du Groupe de travail, le Président Moldan a demandé à la délégation canadienne de commencer par exposer les buts que poursuivait l'ébauche canadienne. Dans son intervention, le délégué du Canada a souligné l'optique juridique dans laquelle le document a été rédigé, l'importance de la longueur du texte (1 page), son style (sa clarté et sa concision) avant d'examiner paragraphe par paragraphe l'ébauche de L.5. À la fin de l'intervention du Canada, le Président a fait remarquer que le document canadien ainsi que ceux du Pérou, de l'Union soviétique et des ONG, constituaient un bon point de départ pour la rédaction définitive de la véritable Charte de la Terre.

Après l'intervention du Canada, le Pérou a présenté le document A/CONF.151/BC/83, dans lequel est exposée, de façon plus détaillée, plus technique et plus approfondie, la méthode de rédaction d'une Charte de la Terre. L'ébauche péruvienne propose un préambule, ainsi que des paragraphes sur les objectifs, des articles contenant des principes généraux, les droits et obligations, les articles de fond et des articles contenant les dispositions définitives. Bien que le document du Pérou constitue peut-être une étude utile, la plupart des délégations ont trouvé maladroite l'approche péruvienne.

Le représentant des États-Unis a souligné qu'aucune décision n'avait été prise à Washington sur la question de savoir s'il existait même un besoin pour une Charte de la Terre. Selon les États-Unis, il n'était pas possible d'escamoter la question de l'adhésion limitée ou incomplète aux instruments existants en rédigeant tout simplement une autre "charte". Si l'on doit rédiger un document utile, la Charte de la Terre devra : (1) s'inspirer de la Déclaration de Stockholm; (2) refléter les principes de base démocratiques qui sont essentiels au développement durable; (3) refléter le rôle central des mécanismes du marché libre dans la réalisation d'un développement durable; et (4) définir une nouvelle relation avec la biosphère sans répéter le langage du passé qui, en grande partie, ne fait pas l'unanimité.

Dans une présentation particulièrement lucide, la Chine a exposé huit principes (le même nombre que le Canada) qu'elle voudrait voir intégrer à la Charte de la Terre, et dont certains provenaient de la Déclaration de Beijing. Le document de la Chine souligne notamment l'unité de l'environnement et du développement, les besoins spéciaux des pays en développement (c'est-à-dire que la cause profonde de la détérioration de l'environnement est la pauvreté), la coopération entre pays pour soutenir le développement durable (c'est-à-dire l'examen des politiques de la dette, la détermination des prix des produits de base et le renversement de l'orientation des flux de ressources) et le droit souverain de protéger et d'améliorer l'environnement à l'intérieur des juridictions nationales (c'est-à-dire le droit d'exploiter les ressources naturelles).

Presque tous les pays ont demandé que le document final soit court, concis et clair. Certaines délégations ont parlé d'une page, d'autres de deux, mais la préférence pour un document court a été manifeste. L'autre élément qui a fait l'objet d'un consensus évident était la nécessité d'associer étroitement le document relatif aux "principes" d'Agenda 21. Quelques délégations sont allées jusqu'à avancer que l'on avait besoin que d'un seul document et que la "Charte de la Terre" pourrait devenir la "préface" d'Agenda 21. Divers pays d'Afrique ont exprimé leurs réserves au sujet de la référence faite dans la documentation du secrétariat concernant l'allégement de la pauvreté, insistant sur le fait que la CNUED doit s'efforcer de combattre la pauvreté. Le "droit au développement", en tant que droit fondamental, figurait également en bonne place dans un grand nombre d'interventions des pays moins développés, particulièrement ceux d'Afrique. Le Mexique en tête, la plupart des pays d'Amérique latine ont exprimé des réserves concernant l'utilisation du terme "Charte de la Terre" comme titre du document à produire. Alléguant le caractère trop "écocentrique" de la Charte de la Terre, ces pays ont suggéréindiqué que le titre de "Déclaration de Rio sur l'environnement et le développement" serait plus approprié.

La déclaration la plus idéologique du débat fut faite par la Malaysia. L'intervention de ce pays a commencé par une déclaration indiquant que les délibérations au sujet des droits généraux doivent partir du "fait" que les pays industrialisés se sont développés au détriment des pays en développement; ceci doit être le point de départ du partage des responsabilités. Le deuxième thème a été le droit souverain de tous les États sur leurs ressources naturelles. La promotion de concepts comme ceux de patrimoine commun de l'humanité et de biens communs étaient vus comme des moyens utilisés par les pays industrialisés pour perpétuer leur accès aux ressources des pays en développement.

Les pays d'Europe, notamment la CE et la Suède, se sont en général contentés de fixer un certain nombre de principes (en général moins de dix), qu'ils considèrent comme particulièrement importants. L'Australie et la Nouvelle-Zélande ont adopté une approche similaire. Il y a un certain nombre de principes qui sont revenus souvent dans la plupart des présentations faites par les pays industrialisés, par exemple l'approche du pollueur payeur et l'approche prudente. Le Saint Siège a fait état de l'obligation morale de prendre soin de l'environnement, ajoutant que les biens de ce monde doivent profiter à tous, que

les responsabilités sont fonction des besoins et que la science et la technologie doivent être au service de l'humanité et qu'elles ne sont pas une fin en soi. L'Inde a fait remarquer que les normes environnementales des pays industrialisés ne conviennent peut-être pas aux pays en développement et qu'on ne peut pas évoquer des préoccupations environnementales pour justifier des pratiques commerciales restrictives. Le Brésil s'est opposé à toute référence aux biens communs dans le document, alléguant que l'expression n'avait pas de définition adéquate. L'OMM est intervenue pour proposer que l'on commence à rédiger la Charte de la Terre, initiative que le Brésil n'approuvait pas. Enfin, plusieurs ONG ont, à la fin du débat, profité de l'occasion pour présenter le travail qu'elles avaient fait dans le cadre de la rédaction d'une ébauche de la Charte de la Terre.

Après une journée complète de discussion, le président a proposé de rédiger un document en prévision des discussions non officielles, au cours desquelles on essaierait de classer les mémoires reçus dans un certain ordre logique et comparatif. C'est ainsi que l'on a combiné les textes du Canada, du Pérou et de l'Union soviétique, en s'inspirant de la structure du texte canadien.

Cependant, lorsque le Groupe de travail s'est réuni pour examiner le document rédigé à partir des premiers mémoires des gouvernements, il était clair que le G-77 n'était pas disposé à analyser un document ne reposant que sur quelques textes. Les délégations ont alors été invitées à présenter des textes écrits au secrétariat. Une autre réunion non officielle eut lieu pour : (1) assurer que la présentation des positions nationale et des groupes soit effectivement correcte; et (2) pour considérer le processus de rédaction de la "Charte de la Terre ou de la Déclaration de Rio" à la lumière du document révisé qui contenait 15 principes. La réunion qui a suivi a failli avorter avant même d'avoir commencé, le G-77 s'étant objecté au fait que le document n'avait pas été distribué 24 heures à l'avance dans toutes les langues de l'ONU. À la fin cependant, le président est parvenu à tenir une réunion productive, qui a donné aux délégations la possibilité de s'assurer que les nouvelles révisions exposeraient leurs positions comme elles le souhaiteraient.

À la surprise de certains délégués, le Groupe de travail III a commencé une discussion approfondie de la Charte de la Terre durant la deuxième semaine de ses délibérations. En partant du document de compilation L.8, qui regroupe toutes les propositions faites par les délégués durant les discussions officielles de la semaine précédente, le Groupe de travail a examiné les deux premiers principes - Environnement et développement, et Responsabilité commune mais différenciée - avant que des questions de procédure et une initiative du G-77 pour établir leurs priorités comme guides dans la rédaction de la Charte viennent freiner toute discussion valable. Après une discussion officielle de la question, le président a rédigé un résumé dans lequel il essayait d'exposer le point de vue du Groupe de travail au sujet des aspects du document final concernant la procédure. Le résumé (L.10) ne sera certes pas considéré comme un document officiel dans les discussions à venir, mais il représente un document de référence utile, le Président ayant dit du débat qu'il permettait de rédiger une Charte : (1) courte et concise; (2) étroitement reliée à Agenda 21; (3) fructueuse; (4) facile à comprendre, en dépit de sa précision sur le plan juridique; et (5) qui s'inspirait d'une

manière prospective de principes existants (c'est-à-dire la Déclaration de Stockholm et la Charte mondiale de la nature).

La revue des principes I et II a donné lieu à diverses tentatives de réunir diverses idées en un seul paragraphe. Si la plupart des délégations ont eu le sentiment que la discussion sur "l'environnement et le développement" avait permis de faire avancer le débat, il n'en est pas de même de l'examen "des responsabilités communes mais différenciées". Les résultats de ces discussions ont été incorporés dans un document de compilation révisé (L.8/Rev.1), qui servira de document de base pour les discussions de PrepCom IV à New-York. Le document contient maintenant 136 paragraphes où sont développés 17 principes (abstraction faite des propositions relatives au préambule). Faire de ce document une "Charte" d'une page ou deux qui inspire, sera une tâche colossale, si pas impossible. C'est pour cette raison que le président du Groupe de travail III a essayé d'obtenir le plus long délai possible pour le Groupe de travail, ce qui permettra de poursuivre les délibérations à New-York, et qu'il a proposé de tenir quelques réunions non officielles en marge des discussions du Deuxième comité de l'Assemblée générale en novembre 1991.

L'autre dont le Groupe de travail s'est occupé durant la troisième semaine de PrepCom III a été l'insistance du G-77 de voir prendre des mesures au sujet de son ébauche de décision (L.6) qui tente d'établir des directives pour la rédaction de la Charte auxquelles la Charte devra se conformer. De nombreux aspects du document L.6 étaient de toute évidence inacceptables pour les pays industrialisés. L'adoption du L.6 aurait préjugé du contenu de la Charte finale et placé le document du G-77 dans une situation privilégiée par rapport à d'autres documents, notamment l'ébauche canadienne de la Charte (L.5). Tous les points importants contenus dans le document L.6 ont déjà été incorporés dans le document de négociation de base L.8, de sorte que les pays industrialisés étaient peu disposés à aller encore plus loin. Cette question a finalement été reportée à PrepCom IV par la décision L.18 relative au point 4 de l'agenda qui, après l'énumération de tous les documents relatifs à la Charte mis à la disposition du Groupe de travail (L.6 compris), déclare que "considération et action appropriée" concernant ce projet de décision auront lieu à New York.

RÉSULTATS ET ÉVALUATION

Les délégations ont fait preuve d'un optimisme prudent au sujet de l'issue de discussions relatives à la Charte de la Terre/Déclaration de Rio, qui ont eu lieu à PrepCom III. Un grand nombre de délégations, notamment celle du Canada, ne s'attendaient pas au début à ce qu'une discussion valable commence avant les réunions de New-York. Bien que le premier examen du document de compilation n'ait guère permis de réduire soit le nombre de principes éminents ou soit celui des paragraphes, le Groupe de travail devrait être en mesure d'entamer rapidement un examen détaillé du texte. Cependant, il reste que la négociation de la Charte de la Terre/Déclaration de Rio sera un travail long et tortueux. Étant donné les grandes divergences de vue existant au sujet de questions importantes, peut-être que le plus difficile consistera à faire en sorte que le document final soit court,

concis et incisif. Bien que plus facile à adopter, une déclaration "équilibrée" mais longue (similaire à celle de Stockholm) ne permettrait pas de réaliser le but que les rédacteurs se sont fixé.

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Third session
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Working Group III
Item 4 of the provisional agenda

PRINCIPLES ON GENERAL RIGHTS AND OBLIGATIONS

Letter dated 15 August 1991 from the Head of the delegation of Canada to the Preparatory Committee for the United Nations Conference on Environment and Development at its third session addressed to the Secretary-General of the United Nations Conference on Environment and Development

The document transmitted herewith comprising an explanatory note and a draft "Earth Charter" is intended as a contribution by my delegation to the third session of the Preparatory Committee for the United Nations Conference on Environment and Development and to the Conference itself, to be held in June 1992 in Rio de Janeiro.

I should be most grateful if you could arrange for this document to be distributed during the third session of the Preparatory Committee.

(Signed): John Bell
Head of the Canadian
Delegation

GE.91-71915/1203H

EXPLANATORY NOTE ON A DRAFT EARTH CHARTER

The proposed text for an Earth Charter is based on a review of the 25 principles included in the UNCED secretariat document A/CONF.151/PC/78 entitled "Annotated check-list of principles on general rights and obligations".

The following parameters were used in preparing this draft:

(a) The text must be brief (only one page long), simple and clear if it is to be widely circulated; to the extent possible, legal language has been avoided.

(b) The Charter should not be a legally binding instrument, in order to be acceptable to all participants at UNCED; it would be desirable however, if over time, as the Stockholm Declaration, it could contribute to the development of new principles of international law.

(c) The word "shall" is used in each article in order to manifest strong political commitments toward general objectives rather than legal obligations.

(d) The text is broad enough to include, implicitly or explicitly, all issues of concern to the conservation and protection of the Earth and its ecosystem.

(e) Each of the operative paragraphs includes a reference to the Earth, and deals principally with the relationship between humankind and the Earth.

(f) The text reflects a positive approach: for example, in paragraph 4, "respect" was used instead of "not harm"; in paragraph 6, reference is made to "the value of the environment" and not to "environmental costs"; for the same reason, no references are made to settlement of disputes, damage or the application of the polluter pays principle.

(g) The Charter indicates clearly that not only States are responsible for the preservation of the Earth, but also individuals, and organizations such as companies, NGOs, international institutions. The UNCED process being more open to non-governmental participation than any United Nations conference in the past, it seems appropriate that commitments also include responsibilities for individuals and organizations.

The first preambular paragraph deals with the entitlement of all individuals to full development; the second paragraph is taken from resolution 1991/44 of the Commission on Human Rights and General Assembly resolution 45/94; the third paragraph borrows from the concept of sustainable development, with an emphasis on future generations, and is a reflection of the fact that humankind is an integral part of the "web of life", and Earth's global ecosystem.

Paragraph 1 is inspired by the second part of Principle 1 of the Stockholm Declaration, which states man's solemn responsibility to protect and improve the environment. The conservation of biological diversity includes the conservation of the diversity of ecosystems.

Paragraph 2 combines the principle that all are entitled to full development together with the principle of sustainable development.

Paragraph 3 is a reiteration of the principle of sustainable development with an emphasis as in the preamble on future generations.

Paragraph 4 deals in positive language with the avoidance of harm to the environment, and includes the second element of Principle 21 of the Stockholm Declaration which is about the responsibility of States to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond national jurisdictions.

Paragraph 5 is a new principle and states that the global commons, such as the high seas, should be treated in at least as good terms as one's own environment.

Paragraph 6 relates to decision-making in the field of the environment; two of the most important elements in that regard are mentioned: the principle of precautionary/preventive action, which includes the necessity to carry out impact assessments as appropriate, and the consideration of the value (not only economic) of the environment.

Paragraph 7 on education and information builds upon Principle 19 of the Stockholm Declaration and paragraph 16 of the Bergen Declaration on Sustainable Development in the Economic Commission for Europe Region.

Paragraph 8 states that the implementation of the Charter must take into account the equitable sharing of responsibilities, including between States. The language used in this respect is taken from article 2.2 of the Vienna Convention for the Protection of the Ozone Layer. The necessity to cooperate is also recognized, and implies cooperation between individuals, between organizations, and between States, as well as between individuals, organizations and States including public participation in decision-making.

EARTH CHARTER

Whereas all individuals are entitled to develop to their fullest potential,

Whereas all individuals are entitled to live in an environment adequate for their health and well-being, and

Whereas the achievement of these ends, for future as well as present generations, depends upon the Earth, its ecosystem and its resources,

All individuals, organizations and States:

1. share the responsibility to conserve, protect and restore the Earth's ecosystem, including its air, land, water and biological diversity;

2. shall enjoy full development and equity consistent with a sustainable use of the Earth's resources;

3. shall manage the Earth's ecosystem and resources for the benefit of future as well as present generations;

4. shall respect the environment of other individuals, organizations and States, and the Earth's ecosystem;

5. shall treat the global commons of the Earth in a manner at least as favourable as their own environment;

6. shall adopt precautionary and preventive approaches, and consider the value of the environment, when planning activities that may affect the Earth;

7. shall ensure the availability of education and information on the Earth and its ecosystem;

8. shall pursue and encourage the achievement of the objectives of this Earth Charter, in cooperation and in accordance with the means at their disposal and their capabilities.

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Item 4 of the provisional agenda

PRINCIPLES ON GENERAL RIGHTS AND OBLIGATIONS

Draft proposal submitted by Ghana on behalf of the States Members of the United Nations that are members of the Group of 77

Draft Decision

Rio de Janeiro Charter/Declaration on Environment and Development

The Preparatory Committe for the United Nations Conference on Environment and Development

1. Takes note with appreciation of the proposed principles to be contained in an instrument/charter/declaration as reflected in document A/CONF.151/PC/78;

GE.91-72001/1257H

2. Decides that the elaboration of such document should inter alia, contain a reaffirmation of the Declaration of the United Nations Conference on the Human Environment (1972) and shall fully take into consideration, and be consistent with, the following principles:

(a) Reaffirmation of, and respect for the sovereign and inalienable right of all countries to utilize their own natural resources pursuant to their own environmental policies and their development and economic priorities;

(b) The principles enumerated would form the basis of Agenda 21. Hence, it must incorporate the relevant guidelines provided by General Assembly resolution 44/228;

(c) Environmental and development issues should be treated in an integrated manner;

(d) The right of development is an inalienable human right and therefore the development needs of all developing countries should be treated as a matter of priority;

(e) The right to a sound environment;

(f) Protection of human person through guaranteeing him the right to development and freedom from hunger, disease and poverty, underlining that no environment can be safe if the human state is in misery;

(g) The largest part of the current emission of pollutants into the environment, including toxic and hazardous wastes, originates in developed countries, and therefore those countries have the main responsibility for combating such pollution;

(h) Full recognition should be given to the specificities and realities of the developing countries including their social, economic and environment needs as well as their national plans and priorities;

(i) The responsibility of the industrialized countries in the improvement of the international economic environment should be stressed;

(j) The transfer of adequate, new and additional financial resources to the developing countries;

(k) Access to, and transfer of environmentally sound technology including at preferential concessional terms and promotion of endogenous capacity building;

(l) Research, free exchange and transfer of scientific knowledge and experience must be provided to the fullest extent for the building of natural scientific capacities in developing countries to facilitate the solution of environmental problems and promote growth and development;

(m) The responsibility of the State for the damage caused to the global environment for activities related to nuclear weapons and all other means of mass destruction;

(n) Commitments of all countries, in particular of the developed countries, to address their unsustainable patterns of production and consumption;

(o) The establishment of environmental standards should respond to the principle that the protection of the environment is a common but differentiated responsibility of States and their application by developing countries should be in accordance with their respective capabilities and responsibilities;

(p) Respect and full implementation of the above-mentioned principles would allow the establishment of a global partnership between all countries for the protection of the global environment and promotion of development.

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PRINCIPLES ON GENERAL RIGHTS AND OBLIGATIONS

Chairman's Consolidated Draft

(Based on documents A/CONF.151/PC/CRP.8, A/CONF.151/PC/83, A/CONF.151/PC/WG.III/L.5, A.CONF.151/PC/WG.III/L.6, A/CONF.151/PC/WG.III/L.16, A/CONF.151/PC/WG.III/L.17 and other proposals received from delegations)

EARTH CHARTER [:][/] THE RIO DE JANEIRO DECLARATION ON ENVIRONMENT AND DEVELOPMENT

[Preamble

AUSTRIA: Whereas all individuals, organizations and States share the duty to make sustainable development a reality for all people on the Earth;
Whereas environment and development are pertinent to the security of individuals and States.

BURKINA FASO (for G22): Considering the state of poverty in which many peoples of developing countries live;
Convinced that the elimination of poverty is an indispensable condition for the beginning of sustainable development;
Considering the differentiated responsibility of the industrialized countries and of the developing countries for environmental degradation, and the intolerable contrast in living conditions between the countries of the North and of the South.

CANADA: Whereas all individuals are entitled to develop to their fullest potentials;
Whereas all individuals are entitled to live in an environment adequate for their health and well-being; and
Whereas the achievement of these ends, for future as well as present generations, depends upon the Earth, its ecosystem and its resources.

CHILE: Bearing in mind the Charter of the United Nations, the general principles of international law, General Assembly resolutions 1803 (XVII) and 2625 (XXV), and the relevant instruments of international environmental law including principle 21 of the Declaration of the United Nations Conference on the Human Environment;
Recognizing that this duty of cooperation has given rise to the law of development and of cooperation and must be the frame of reference for international environmental law.

G77: The elaboration of the document should, inter alia, contain a reaffirmation of the Declaration of the United Nations Conference on the Human Environment;
The principles enumerated would form the basis of Agenda 21, hence must incorporate the relevant guidelines provided by General Assembly resolution 44/228.

HOLY SEE: The entire universe and all it contains has been endowed by its Creator with its own integrity and its own internal, dynamic balance. The care for the environment is not a matter of choice but rather a moral duty, universal in character;
The goods of the Earth, included those produced by human activity, are for the benefit of all, not that of a few;
The duty to promote the integral development of all demands a corresponding solidarity in seeking to promote an ever-better quality of life for all, as well as the protection of the environment which supports that life;
Science and technology are at the service of the human person and are not ends in themselves.

KENYA: There is need to continually develop and review environmentally sound principles and guidelines without prejudice to general economic development. (KENYA)

NETHERLANDS (for EEC): Reference to the Declaration of the United Nations Conference on the Human Environment.

NEW ZEALAND: The Earth is a complex whole in which social, economic and natural environments are interdependent. Harmony between all its diverse parts is essential for the well-being of humanity and nature.

PERU : Preamble to be elaborated on the basis of part II, paragraphs 1-5, of document A/CONF.151/PC.83.

SWEDEN: Considering overall developments in international relations in recent years which despite setbacks offer unprecedented opportunities for progress in international cooperation;
Aware of new and increasing threats such as unacceptable poverty and unsustainable lifestyles of the affluent, as well as environmental deterioration jeopardizing the long-term survival of the fragile global ecosystem;
Conscious of the political imperatives of the interdependence between nations.

USSR : Profoundly concerned over the present state of the environment, which threatens human civilization with irreversible ruinous consequences and is capable of calling its very existence into question;
Believing that the world community faces the urgent task of ensuring a transition to a form of coexistence with the environment based on new ethical attitudes that would ensure sustainable development for mankind in harmonious unity with nature;
Taking into account the experience gained in international environmental cooperation and the basic documents on this subject, such as the Declaration of the United Nations Conference on the Human Environment, the 1982 Nairobi Declaration and the 1982 World Charter for Nature;
Solemnly state that they will respect and consistently implement in their relations with each other and in their domestic activities the principles of environmental ethics set out below, all of which are of paramount importance.

USA: We, the people of the world, understand that the Earth is a unique, whole and interdependent system. We are conscious that many of our past perceptions and relationships are no longer adequate, and that we must teach ourselves and our children that whatever we humans do to the world in which we live, we do to ourselves;
In light of our understanding of the planet as a functioning whole, in which all of its ecosystems are interrelated, we fully recognize our mutual interdependence. We must live in balance with nature to ensure the continuity and quality of life for future generations.

General principles

Principle 1 [Integration of environment and development]

1. States [, international organizations and multinational corporations (MAURITIUS)] shall address environmental issues in the process of development by integrating environmental concerns with the imperatives of economic growth and development (CHINA). Respect and full implementation of the [present] principles would allow the establishment of a global partnership between all countries for the protection of the global environment and promotion of [sustainable (MAURITIUS)] development (G77).

Option A

2. In this connection the right to [economic and social (COLOMBIA)] development of the developing countries shall be fully recognized (CHINA) [, bearing in mind the norms of the law of development and cooperation as laid down in articles 55 and 56 of the Charter of the United Nations (CHILE)]. Equality of opportunity for development is a prerogative both of nations and individuals who make up nations (INDIA).

Option B

3. [States shall (USSR)] promote equity in participation in ecologically sustainable development [and] minimize any adverse environmental impacts of economic development through integrating environmental considerations with economic and sectoral planning and policies (FIJI). In formulating plans for economic restructuring, economic development, equilibration of balance of payments, population growth and the improvement of standards of living, States, companies, financial bodies and international organizations will take into account the principle of precedence of long-term sustainable development over short-term interests (ROMANIA).

4. In order to ensure global sustainable development, it is paramount that countries formulate national policies that will lead to reduced rates of population growth until its stabilization within a given time horizon. In this regard it is recognized that the only way to guarantee the success of such policies is constant improvement of the levels of socio-economic well-being and especially of popular education (VENEZUELA).

Principle 2 [Common but differentiated responsibility]

5. All individuals, [peoples, (SINGAPORE)] [enterprises, (PERU)] [governmental and non-governmental (USSR)] organizations and States share [in an equitable manner (SINGAPORE)] the responsibility [duty (ARGENTINA)] [common interest (MEXICO)] [common commitment (USA)] [responsibility and commitment (USSR)] [with differentiation between industrialized and developing countries (PERU)] to conserve, protect and restore the Earth's ecosystem, including its air, land, water and biological diversity (CANADA) [and to enhance sustainable development, taking into account in particular the special needs in developing countries, bearing in mind the principles of solidarity and equity (AUSTRIA)]. Special and differentiated treatment consists in the giving of additional resources and transferring technology to developing countries (PERU).

6. The duty of solidarity is universal in nature; equity demands, however, that the responsibilities be differentiated and complimentary, according to the needs and abilities of each. Both equity and justice demand that the responsibility of each State for the prevention of environmental damage be in accord with the degree of its environmental damaging activities. Similar consideration must also be given to its ability to limit such damage, while pursuing the integral development of its citizens (HOLY SEE).

Option A

7. The establishment of environmental standards should respond to the principle that the protection of the environment is a common but differentiated responsibility [duty (ARGENTINA)] [concern (MEXICO)] [commitment (USA)] [responsibility and commitment (USSR)] of States, and their application by developing countries should be in accordance with their respective capacities and responsibilities (G77). Environmental standards which are valid for the most advanced countries may be inappropriate and of unwarranted economic and social cost for the developing countries; however, common international standards can be developed and applied on the basis of provision of full incremental costs to the developing countries concerned (INDIA). National standards should meet international standards, but the dynamics and methods of meeting these standards may differ from country to country, reflecting the particular concern of the development needs, capacity and responsibility of each country (YUGOSLAVIA).

Option B

8. Environmental standards should be developed by each State in a pragmatic and effective fashion to address the particular concerns of its development needs and activities (USA). The responsibility of States for combating pollution and environmental degradation should reflect and be commensurate with the [capacity (AUSTRALIA)] contribution to it (NETHERLANDS/EEC).

9. While protection of the environment is in the common interest of mankind, [the largest part of the current emission of pollutants into the environment, including toxic and hazardous wastes, originates in developed countries, and therefore (G77)] the developed countries [whoever is responsible for the greatest contamination (PERU)] should bear the main responsibility [the greater obligation to protect and regenerate the environment (PERU)] on the basis of their historical and present contribution to global environmental degradation and ability to address the problem (CHINA).

10. States shall be responsible for preserving, protecting and restoring the environment, establishing their own development policies in keeping with that responsibility. Every person shall be under a duty to collaborate with the State in activities for the protection, conservation and management of the environment. Non-governmental organizations are called upon to play an important part in this connection. The responsibility acknowledged for persons with regard to the environment shall also be required of transnational corporations, which shall comply with the environmental standards of the countries where they have their head offices, the countries where they have subsidiaries, and the countries to which they export or in which they install their technologies (COLOMBIA).

11. States which have achieved their development on the basis of other States' resources shall repay them for that gain by participating in the improvement of their environment and in achieving a better standard of living for their inhabitants (COLOMBIA).

12. Equitable sharing of responsibility may not be interpreted as equitable sharing of burden (REPUBLIC OF KOREA).

Principle 3 [Individual and group rights]

13. The right to life, food and shelter and a healthy environment; the right of women and indigenous people to full and active participation at all levels of activity relating to environment and development (AUSTRALIA).

14. All communities and population groups have the right to wholesome food and adequate medical care in equity and dignity (BURKINA FASO/G22).

15. All individuals, organizations and States shall enjoy full development and equity consistent with a sustainable use of the Earth's resources (CANADA).

16. Every human being shall have the fundamental and inalienable right to a healthy environment suited to his health and well-being and so to participate in economic, social and cultural and political development as to achieve a better quality of life and his full realization as a person. Every people shall have the right to have its own culture recognized, respected and handed on, to apply its ancestral knowledge of the natural environment and methods for the use and sustainable management thereof and to generate science and technology, which shall be environmentally sound (COLOMBIA).

17. States shall recognize the special relationship of indigenous peoples to the environment and their right to decide their own priorities for the process of development. States shall take special measures to safeguard the environment of indigenous peoples and to ensure their right to be consulted at all levels of decision-making in matters pertaining to the environment (DENMARK).

18. Human resources are the most valuable asset of a country. Within the context of the protection of the human environment, certain indigenous peoples live in a special relationship to their natural surroundings. The right of such peoples to maintain this relationship and to live according to their long-standing cultural patterns must be guaranteed by adequate means; these necessarily include protecting those natural surroundings in which they live (HOLY SEE).

19. The right of development is an inalienable human right and therefore the development needs of all developing countries should be treated as a matter of priority (G77).

20. The right to a sound environment should be affirmed (G77).

21. The human person should be protected through guaranteeing him the right to development and freedom from hunger, disease and poverty, underlining that no environment can be safe if the human state in is misery (G77).

22. All individuals and nations shall have the right to development and equity consistent with a sustainable use of the Earth's resources. Women and indigenous people shall be accorded full partnership in all fields of human endeavour, including environment and development (NEW ZEALAND).

23. Every continent, nation, country, population group, or community has the right freely to pursue and achieve (1) food security, (2) energy security, (3) suitable conditions for durable and sustainable growth in employment and other economic activities to combat poverty as well as to ensure a fair and equitable distribution of wealth and incomes to this end, (4) financial security and stability, and (5) an improved as well as acceptable quality of life and habitat (NIGERIA/G22).

24. The Charter should make reference to the rights of such groups as indigenous people and the role of women in the development process (NORWAY).

25. The right of every individual to enjoy a healthy and balanced environment; primacy of sustainable development in the long-term over individual interests or short-term interests and allocation of environmental costs to economic activities (PERU).

26. Each individual has the right to live in optimal environmental conditions. It is the obligation of every State to guarantee this right for all its citizens (USSR).

27. States shall act to ensure the incorporation of women's perspectives, aspirations, needs, concerns and participation at all levels and in all sectors relating to promotion of sustainable development particularly at the level of decision-making, planning and management taking due account of the Convention on the Elimination of All Forms of Discrimination against Women (ZIMBABWE).

Principle 4 [Responsibility to present and future generations]

28. All individuals, organizations and States shall manage the Earth's ecosystem and resources for the benefit of future as well as present generations (CANADA).

29. The Earth Charter shall be an obligatory legally-binding document with the objective of creating the conditions for sustainable development especially taking into account the needs of the present as well as future generations (CHILE).

30. It shall be guaranteed by suitable planning, for the sake of fairness, that sustainable development extends without discrimination to all regions and all inhabitants, without prejudice to the right of future generations to well-being and development (COLOMBIA).

31. Meeting the needs of the present generation without compromising the ability of future generations to meet their own needs; a call on the international community to respect the rights of the people who protect their environment as custodians for present and future generations (FIJI).

32. The document should entrench the rights of children and adults of today and unborn generations to enjoy and benefit from sustainable development (JAMAICA).

33. Each generation has, in particular, the responsibility to ensure that in any national or international forum where it is likely that a decision be taken affecting the interest of future generations, access be given to an authorized person appointed as "guardian" of future generations to appear and make submissions on their behalf (MALTA).

34. The obligation on individuals, enterprises, institutions and Governments to protect, improve and regenerate the environment for the benefit of present and future generations (PERU).

35. States shall act to preserve the planet in a healthy condition for children and to promote development of human resources with special emphasis on their participation in sustainable development taking due account of the Convention on the Rights of the Child (ZIMBABWE).

Option: Combined text proposed by MALTA

36. The Earth Charter which shall be a political [legally binding] document shall bind all individuals, enterprises, institutions, States, and groups of States to manage [the Earth's ecosystems and] [natural] resources to promote sustainable development for the benefit of present and future generations, taking into special account [the rights of children and future generations] [their rights] to well-being and development. Where it is likely that a decision be taken affecting the interests of children as future generations, a guardian shall be appointed with the right to make submissions on their behalf.

Principle 5 [Sovereignty and responsibility to others]

37. Each State shall take the necessary measures to ensure that activities under its jurisdiction do not cause harm to the environment of another State (BURKINA FASO/G22).

38. All individuals, organizations and States shall respect the environment of other individuals, organizations and States, and the Earth's ecosystem; and treat the global commons of the Earth in a manner at least as favourable as their own environment (CANADA), keeping in mind the interests of humankind as a whole (AUSTRIA).

39. National sovereignty of States shall not be an obstacle to the interdependent resolution of the global problems of development and environment by the international community.

40. This will require action in solidarity, inter alia, to avoid the degradation of natural resources, infringements of global international security, and to contribute to the eradication of extreme poverty. States, international organizations and transnational corporations shall prevent transfrontier damage and shall protect the global commons (CHILE).

41. Countries shall have the sovereign right to utilize their natural resources in order not only to meet the subsistence needs of their inhabitants but also to ensure sustainable development economically, socially and culturally within the constitutional framework and in keeping with its environmental and developmental policies (COLOMBIA).

42. States shall have the sovereign right to exploit their own natural resources while ensuring that activities carried out within their jurisdiction and control do not cause damage to the environment of other States and of the areas beyond national jurisdiction (CHINA).

43. All countries have the sovereign and inalienable right to utilize their own natural resources pursuant to their own environmental policies and their development and economic priorities (G77).

44. States shall provide prior and timely notification and relevant information to other concerned States on activities which may have a significant international or transboundary effect and shall consult with those States at an early stage and in good faith (NETHERLANDS/EEC).

45. The pursuit of decent and satisfactory livelihoods, including the sovereign rights of countries over the natural resources found within their legal boundaries, must be recognized, reaffirmed and defended. Each and every country shall take all necessary steps to avoid polluting, directly or indirectly the environment of their countries (NIGERIA/G22).

46. The sovereign right of States to exploit their natural resources through their environmental policies, and their responsibility to ensure that activities under their jurisdiction and control do not cause environmental damage (PERU).

47. Each State has the right to utilize the environment and natural resources for the purposes of development and for serving the needs and interests of its citizens; the environmental well-being of any State may not be achieved at the expense of other States, or without regard for their interests. Economic activities conducted within the territories of States must not cause damage to the environment either within or beyond their national jurisdiction (USSR).

Principle 6 [Precautionary principle and prior assessment]

48. The precautionary principle and with it the promotion of full use of environmental impact statements; allied to this, the avoidance of irreversibility (AUSTRALIA).

49. All individuals, organizations and States shall adopt precautionary and preventive approaches, and consider the value of the environment, when planning activities that may affect the Earth (CANADA).

50. States, international organizations and transnational corporations shall have the obligation to take precautionary and preventive measures

regarding activities that may cause environmental damage. Prior assessment of environmental risks and notification of those concerned or potentially affected shall be undertaken (CHILE).

51. Environmental measures shall foresee, prevent and correct the causes of environmental degradation through appropriate planning of development in general and of activities which may cause deterioration in particular, so that environmentally sound development may be achieved more effectively and economically (COLOMBIA).

52. Activities which may involve a high environmental risk shall be preceded by an exhaustive evaluation. The proponent or proponents shall be required to prove that the expected benefit exceeds the potential damage to nature. When the adverse effect is insufficiently known, the activity shall not be permitted. Lack of scientific certainty shall not be used as a pretext for postponing the adoption of measures to prevent environmental deterioration (COLOMBIA).

53. Formulating resource use and development planning policies based on the precautionary principle (FIJI).

54. Environmental measures must anticipate, prevent and attack the causes of environmental degradation, and where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. Proposed activities which are likely to have a significant adverse effect on the environment shall not be undertaken without prior assessment of the environmental risks (NETHERLANDS/EEC).

55. The obligation to take precautions when activities may affect the environment, including preventive measures; prior assessment of environmental risks and the notification of all persons or entities concerned or potentially affected (PERU) and the obligation for industries and other activities concerned to mitigate harmful effects of accidents caused by them (ITALY).

56. Any type of economic or other activity whose environmental consequences are unpredictable is inadmissible. Each State must make a comprehensive assessment of the environmental consequences of economic activities conducted in its territory, and make it available to other interested States, and also to international organizations (USSR).

Principle 7 [Cooperation]

57. Concerted efforts shall be made in solidarity to lay solid foundations for sustainable development, within the framework of international cooperation, to bring about, inter alia, the establishment of worldwide food security (CHILE).

58. All States, big or small, rich or poor, have the right to participate on an equal basis in matters related to the environment and development.

States shall carry out international cooperation in the field of environment and development on the basis of the principle of equality among sovereign States (CHINA).

59. States shall cooperate with other States to ensure the conservation of renewable natural resources in such a way as not to impair their capacity for regeneration, taking into account the principle of sovereignty. In the same way they shall promote the conservation of ecosystems of special importance in relation to the culture and lifestyle of the populations that depend on them.

60. States shall cooperate with other, neighbouring States in the protection of ecosystems situated in frontier areas.

61. Steps shall be taken to reach agreements or conclude conventions with neighbouring States on the adoption of mechanisms for providing information, on, and for preventing, mitigating or correcting the effects of transboundary environmental deterioration.

62. States shall develop contingency plans for emergency situations that may cause transboundary environmental damage or degradation, shall supply relevant information and shall cooperate with the State affected in an emergency (COLOMBIA).

63. States, organizations and individuals shall cooperate in good faith and in a spirit of partnership in the implementation of the principles embodied in this Charter.

64. States shall immediately inform other States of any emergency situation which might cause sudden harmful effects on the environment of those other States (NETHERLANDS/EEC).

65. Public participation is dependent on a positive and fruitful cooperation and interaction between Governments and constituencies outside government, in particular industry, trade unions and the various voluntary organizations (NORWAY).

66. The obligation of States, transnational corporations, institutions and NGOs to cooperate globally and regionally to protect, preserve and regenerate the environment (PERU).

67. Protection of the environment is a global task of all mankind that must be performed through the joint efforts of States and international organizations, based on international cooperation. States must provide each other with assistance in cases of environmental emergency (USSR).

Principle 8 [Special needs of developing countries]

68. In order to strengthen the participation of the developing countries in the implementation of international environmental law and their ability to move towards sustainable development, the States capable of doing so and the international organizations shall provide the necessary technical and financial assistance (CHILE).

69. The special situation and needs of the developing countries should be fully taken into account. The environmental problems of the developing countries arising from the conditions of poverty should be addressed as a matter of priority (CHINA).

70. Full recognition should be given to the specificities and realities of the developing countries, including their social, economic and environment needs as well as their national plans and priorities (G77).

71. The responsibility of the industrialized countries in the improvement of the international economic environment should be stressed (G77).

72. Access to, and transfer of environmentally sound technology including at preferential concessional terms and promotion of endogenous capacity building (G77).

73. Full recognition and respect should be given to the special needs and concerns of the developing countries in the creation and implementation of international agreements and legal instruments (TANZANIA).

Principle 9 [Environment and world trade]

74. Consistency between international trade and environmental obligations, and avoidance of trade distortion (AUSTRALIA).

75. States shall cooperate to promote an international economic environment supportive of the sustained and sustainable development. The industrialized countries whose policies have major impacts on the world economy should ensure that their actions are conducive to the growth of the world economy in general and the development of the developing countries in particular (CHINA).

76. Global environmental considerations cannot justify restrictive trade practices, except when these are introduced in terms of specific provisions in a globally accepted environmental convention (INDIA).

77. Environmental concerns may not be used as a disguised instrument for impeding the development needs of developing countries. Environmental regulations may not be used as non-tariff barriers or as protectionist measures against exports of developing countries (REPUBLIC OF KOREA).

78. Cooperation on a global level to develop a genuine universal framework to ensure social and economic justice for all the world's people. This means that issues of patterns of development and liberalization of world trade need to be addressed at a global level (NEW ZEALAND).

79. The right of populations and countries freely to exploit and trade their natural resources and the goods and services derived therefrom or related thereto must be reaffirmed and defended. No economic policies or management tools should be devised which would negatively impact or affect the environment or living conditions and expectations of any continent, nation, country or population group (NIGERIA/G22).

80. The principle of free trade benefits the world economy and promotes the development of all countries, especially the developing countries. We should seek to eliminate existing barriers against free trade and resist attempts to build new barriers under the guise of protecting the environment (SINGAPORE).

Principle 10 [Peace and security]

81. States which promote or participate in a war shall be responsible for the social and environmental costs incurred through it. That responsibility shall apply to tests or trials of weapons or technologies of war.

82. State parties to a conflict which, if continued, may endanger security and international peace shall endeavour to reach a negotiated solution using such machinery as consultation, mediation, conciliation, arbitration or judicial settlement or shall use international instruments or agreements or other peaceful means (COLOMBIA).

83. States are responsible for the damage caused to the global environment by the effects of nuclear weapons and all other means of mass destruction (G77).

84. The use of nuclear weapons is a crime against humanity and the human environment (INDIA).

85. Peace and security are essential prerequisites for sustainable development (NEW ZEALAND).

86. Any act having an impact on the environment which is conducted as a method of warfare, or any other use of force, is inadmissible. States must refrain from any other military activities, including the testing of weapons of various types, which may damage the environment either within or beyond their national jurisdiction (USSR).

87. There can be no sustainable development without stable or lasting peace, and without the commitment by States to accelerate disarmament and progressively to reduce military expenditures (VENEZUELA).

Principle 11 [Production and consumption patterns]

88. All States, organizations and individuals shall endeavour to develop environmentally sustainable patterns of living (AUSTRIA).

89. Sustainable development is incompatible with the imposition of environmental and economic conditions and with the restriction of access to technology (COLOMBIA).

90. All countries, in particular developed countries, should make commitments to address their unsustainable patterns of production and consumption (G77).

91. Those responsible for development within a given area have the duty to see that wasteful consumption patterns or style of life are not being

promoted for economic gain alone; the lifestyle of few cannot damage the quality of life of others, a quality that all must consistently work to improve (HOLY SEE).

Principle 12 [Information and Education]

92. All individuals, organizations and States shall ensure the availability of education and information on the Earth and its ecosystem (CANADA) and encourage the use and diffusion of best available environmentally sound technologies (AUSTRIA).

93. Every person shall have the right to education as a public service in order to gain access to knowledge, science and technology. Through education, responsible attitudes to nature shall be cultivated.

94. States shall develop mechanisms to provide information on activities or products that may adversely affect the human environment, human health or human well-being and shall guarantee the participation of the community in decisions that may affect it.

95. States shall lay down suitable standards for environmental protection, the monitoring of changes and the publication of significant data on environmental quality and the use of resources (COLOMBIA).

96. Research, free exchange and transfer of scientific knowledge and experience must be provided to the fullest extent for the building of natural scientific capacities in developing countries to facilitate the solution of environmental problems and promote growth and developing (G77).

97. Universal education and access to information are important elements for effective participation by individuals and communities in decision-making (NEW ZEALAND).

98. Access to information on environmental risks (PERU).

99. The state of the environment and natural resources and changes therein must be effectively monitored at the global, regional and national levels, against internationally recognized criteria and parameters; a system must be instituted whereby States report on their environmental protection activities and on environmental incidents that have occurred or have been averted in their territories.

100. A free and unhindered international exchange of scientific and technological information on environmental matters and on advanced technology for the conservation of nature must be ensured.

101. Consistent and systematic efforts must be made in all States in the field of environmental education and awareness and the dissemination of knowledge concerning the rational use of nature (USSR).

Principle 13 [Cost internalization]

102. The principle of polluter-pays and user-pays; the principle of ensuring that environmental assets are appropriately valued (AUSTRALIA).

103. The State shall ensure that anyone who carries on activities which endanger the environment shall be responsible for preventing or making good the damage. The economic analysis of works and projects shall include the environmental and social costs of the proposed works or activities as an input in the cost structure and not as an incidental subheading. Care shall be taken to ensure that the users of natural resources who develop production processes or carry on activities that may cause environmental deterioration repay the cost of renewal or bear the cost of decontaminating or restoring the affected resource. The defrayal of such costs shall not exempt the person responsible from compliance with the standards laid down or from such penalties as he may incur for any offence he has committed (COLOMBIA).

104. The polluter should bear the expenses of carrying out the necessary pollution prevention and control measures introduced by public authorities to protect the environment (NETHERLANDS/EEC).

105. Open and free markets at the national, regional and international levels are fundamental to the achievement of sustainable development. Market forces and mechanisms, and other economic instruments, including emission charges, tradeable permits, and reductions of subsidies, need to be harnessed to achieve sustainable development goals at each of these levels. To this end, environment and development objectives and policies should be integrated with economic and trade policies (USA).

106. Polluters should bear the costs of pollution they cause, including the expenses of carrying out the necessary pollution prevention and control measures introduced by public authorities to protect the environment (USA).

107. Markets should reflect full economic accounting of environmental costs and benefits (USA).

Principle 14 [Liability for damage and dispute settlement]

108. Restatement of principle 21 of the Declaration of the United Nations Conference on the Human Environment which incorporates the concept of environmental liability and compensation for damage. Need for universal adherence to and full compliance with relevant international instruments and the need for future development of the legal framework relating to the environment (AUSTRALIA).

109. All individuals, organizations and States shall pursue and encourage the achievement of the objectives of this Earth Charter, in cooperation and in accordance with the means at their disposal and their capabilities (CANADA), giving due attention, inter alia, to the evolution of mechanisms on dispute prevention and settlement concerning the environment (AUSTRIA).

110. Adequate compensation shall be paid or other remedy be provided to the victims of an international or transboundary environmental interference (NETHERLANDS/EEC).

111. The objective responsibility and obligation of individuals, employers, institutions and States to make good damage (PERU).

112. Norms must be laid down in international law and national legislation establishing liability for environmental damage and compensation to the victims thereof. All disputes arising from environmental issues must be resolved exclusively by peaceful means (USSR).

Principle 15 [Public participation and democracy]

113. The right of individuals and groups to participate in decision-making and to have access to information and to legal redress (AUSTRALIA), including the obligation of Governments and industry to inform the public of environmental consequences of their planned actions, and the right of individuals and organizations to be heard early enough in the process so as to have a genuine possibility to influence the decision-making process (NORWAY).

114. All States, organizations and individuals shall have the possibility to participate in democratic decision-making processes concerning the environment and development (AUSTRIA).

115. The right of individuals and non-governmental organizations to be informed about environmental issues relevant to them, to have access to information, and to participate in the formulation and implementations of decisions likely to affect their environment (FIJI).

116. All persons without discrimination shall be informed of interferences with their environment and shall have their views taken into account in the formulation of decisions of direct concern to their environment (NETHERLANDS/EEC).

117. The rights of individuals and communities to participate in decision-making that is likely to affect their social, economic and natural environments (NEW ZEALAND).

118. USA: Sustainable development requires the democratization of environment and development decision-making. To this end, wider participation of individuals, groups and organizations at all levels, local, national, regional and international, will be essential.

119. In accordance with the Universal Declaration of Human Rights, individuals, groups and organizations concerned with the environment and development have the right to participate in the government of their country at a local and national level. This right includes the rights to express ideas freely, to assembly peacefully, to seek and disseminate information, and to participate in public debate.

120. To further these ends, the following rights should also be respected by all States and incorporated in national laws and regulations:

121. Individuals, groups and organizations should have access to information relevant to the environment held by national authorities, including information on products and activities which have or are likely to have a significant impact on the environment, and on environmental protection measures.

122. Communities should have access to information about hazardous materials and the potentially serious impacts of industrial accidents in their area, including information on contingency planning, and should be informed immediately when such accidents occur.

123. National authorities should make available at regular intervals reports on the state of the environment.

124. The views of the public should be taken into account in government decision-making processes related to the environment and development. Competent authorities should facilitate and encourage public participation, inter alia, by providing wide notification to the public of relevant policies, plans and activities, by making information widely available, and by receiving public views, including through the convening of open public fora.

125. For any proposed activity or any proposed major change to an activity which is likely to have a significant impact on the national environment and which is subject to a decision of a competent authority, an environmental impact assessment should be undertaken.

126. As part of an environmental impact assessment, the public should be provided, for examination and comment, information about any proposed activity: about reasonable alternatives, where appropriate, including the alternative of no action; about the environment likely to be affected; about the environmental impacts of the proposed activity and its alternatives; about appropriate measures for mitigating adverse environmental impacts; and about uncertainties and gaps in knowledge.

127. Individuals, groups and organizations should have the opportunity to transmit comments on proposed activities to the competent authority before the final decision is taken.

128. A final decision should take into account the results of the environmental impact assessment as well as the comments received from the public and should be published promptly.

129. States should provide an opportunity to the public in areas outside their territory to participate in relevant environmental impact assessment procedures regarding activities which are likely to have a significant adverse transboundary impact on their local

environment and should see to it that the opportunity provided to the public of the affected country is equivalent to that provided to their own public.

130. In matters related to the environment, States should provide access to administrative and judicial procedures for contesting decisions of competent authorities and private persons and entities that may be unlawful or may infringe on rights under the law. Such procedures should also provide appropriate remedies.

131. In matters related to the environment and development, Governments should extend access to administrative and judicial procedures to all groups and organizations with a recognized legal interest. States should also extend access in such matters to individuals, groups and organizations with a recognized legal interest who are outside their jurisdiction on an equivalent basis to those who are inside their jurisdiction (USA).

132. In order to ensure sustainable development, the existence of democracy is indispensable as a permanent process of advancement, in which private citizens play a central role by participating in the making of decisions that affect their future (VENEZUELA).

Principle 16 [Poverty]

133. It should be recognized that a united struggle against poverty entails correcting the causes of poverty; for that purpose it is necessary to make changes in economic and social policies within countries and to modify the developed countries' relations with the developing countries (COLOMBIA).

134. States, organizations and individuals shall cooperate in good faith and in a spirit of partnership in the effort to eradicate poverty (TANZANIA).

Principle 17 [Resource transfer]

135. Adequate new and additional financial resources shall be provided to the developing countries to enable them to address effectively the environmental and developmental problems. Access to and transfer of environmentally sound technologies to the developing countries shall be ensured on preferential and non-commercial terms (CHINA).

136. The transfer of adequate, new and additional financial measures to the developing countries should be ensured (G77).

Specific principles and possible restructuring

CHILE:

(a) Precautionary principle;

(b) Principle of intergenerational equity;

(c) Principle of non-discrimination;

(d) Principle of equal opportunities and equal access to technology;

(e) Principle that research on problems of development and environment shall take into account especially the interests of the developing countries;

(f) Equitable use of shared natural resources;

(g) Duty to cooperate in good faith in information exchange and consultations with a view to laying the foundations for strengthening and harmonizing international environmental law.

KENYA:

(a) Common heritage of mankind;

(b) Common concern;

(c) Intrinsic value of biodiversity;

(d) Need for financial support and economic incentives;

(e) Equitable sharing of burdens;

(f) Duty to prevent substantial transboundary harm.

NETHERLANDS (for EEC):

(a) Integration of environment and development (elements from paragraphs 1, 3, 10, 28, 30, 31, 41, 51, 74, 76, 77, 78, 79, 80, 88, 89, 90, 91, 105);

(b) Cooperation for sustainable development/differentiated approach (elements from paragraphs 1, 2, 3, 5, 6, 7, 9, 12, 39, 41, 44, 50, 55, 56, 57-67, 68, 69, 70, 71, 73, 75, 78, 99, 100, 109, 129, 133, 134, 135, 136);

(c) Individual and group rights (elements from paragraphs 1, 2, 9, 13, 14, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 32, 34, 62, 64, 67, 88, 93, 119);

(d) Information, education and participation in decision-making (elements from paragraphs 13, 17, 31, 33, 55, 63, 65, 92, 94, 98, 99, 101, 113-124, 127, 130, 131, 132);

(e) Intergenerational equity (elements from paragraphs 3, 28, 29, 31-34);

(f) Sovereignty and responsibility (elements from paragraphs 5, 6, 7, 9, 37, 38, 39, 40, 41, 42, 43, 44, 45-47, 50, 56, 59, 62, 64);

(g) Precaution/impact assessment (elements from paragraphs 48-56, 95, 125, 129);

(h) Attribution of environmental cost (elements from paragraphs 25, 102-104, 105, 107, 108, 110, 111);

(i) Population (elements from paragraph 4).

PERU: To be elaborated on the basis of sub-sections IV/b-c of document A/CONF.151/PC/83.]

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Working Group III
Agenda item 5

OTHER LEGAL, INSTITUTIONAL AND RELATED MATTERS, AS WELL AS LEGAL AND INSTITUTIONAL ASPECTS OF CROSS-SECTORAL ISSUES, INCLUDING THOSE REFERRED TO WORKING GROUP III BY WORKING GROUPS I AND II AND THE PLENARY OF THE PREPARATORY COMMITTEE

Chairman's summary

1. Under this agenda item, Working Group III considered other legal, institutional and related matters, as well as legal and institutional aspects of cross-sectoral issues, including those referred to Working Group III by Working Group I, Working Group II and the plenary of the Preparatory Committee. The Working Group had before it the progress reports on institutions by the Secretary-General (A/CONF.151/PC/36, A/CONF.151/PC/80 and Corr. 1) as well as several documents submitted by delegations (A/CONF.151/PC/81, A/CONF.151/PC/L.29, A/CONF.151/PC/WG.III/L.1 and A/CONF.151/PC/WG.III/L.4). Furthermore, in response to a request by Working Group II at the second session of the Preparatory Committee (decision 2/20, subparagraph 2 (p)), the Working Group had before it for consideration a progress report by the Secretariat on the development of legal instruments for transboundary waters (A/CONF.151/PC/79).

2. In the course of the discussion, most speakers stated that their comments were of necessity preliminary at this stage. Although the Working Group did not attempt to reach any conclusions, there was broad agreement on the following points which could serve as guidance for the future work of the Working Group at the fourth session of the Preparatory Committee:

(a) Some reform of United Nations institutions in the field of environment and development is needed, taking into account general efforts for restructuring and revitalization of the United Nations in the context of General Assembly resolution 45/264.

(b) Working Group III must take into account decisions with institutional implications originating from Working Groups I and II and the Plenary.

(c) Proliferation of institutions at the global level must be avoided.

(d) There is a need to work out mechanisms to promote coordination, both at the intergovernmental level and at the level of the Secretariat and United Nations specialized agencies and programmes involved with environment or development.

(e) Existing international institutions at the global and regional levels in the field of environment and development, including UNEP and UNDP, should be adapted to changed circumstances in order to support sustainable development. There was consensus that UNEP must be strengthened.

(f) Among the goals of institutional reform at the global and regional levels should be enhancement of the capacity of institutions at the national level, especially in developing countries, to ensure the full integration of environment and development.

(g) Institutions and organizations outside the United Nations system, including the non-governmental sector, have an important role in this process.

(h) The Working Group, at the fourth session of the Preparatory Committee, will have to consider the need for institutional arrangements, both at the intergovernmental and secretariat levels for the implementation and continuous review of Agenda 21.

3. In order to facilitate discussion at the fourth session of the Preparatory Committee, the necessary documentation should be prepared by the Secretariat. Specifically, an updated compilation of institutional proposals made by delegations during the third session of the Preparatory Committee, including those made in Working Groups I and II and the plenary, with a focus on options for action, is required. In this context, the matrix developed by the delegation of Canada should be used, as well as the relevant information contained in national reports. In addition, it is expected that the Working Group will have before it, in response to General Assembly resolution 44/229, a report by the Secretary-General on the structure and responsiveness of the United Nations in dealing with major environmental issues.

RESSOURCES FINANCIERES

RÉSUMÉ

À la suite d'un premier débat officiel en séance plénière et de deux négociations non officielles présidés par le chef de la délégation canadienne, John Bell, le Comité préparatoire (PrepCom III) a, au cours d'une troisième réunion plénière, approuvé une décision relative aux procédures concernant les ressources financières, en reportant les négociations réelles à sa quatrième réunion. Toutefois, à un moment donné, il s'est produit entre les délégations des pays développés et celles des pays en développement un échange de vues très important, qui figure dans la compilation qu'a faite le président des opinions liées à la décision. Les questions principales soulevées au cours du débat étaient les suivantes : les ressources financières nécessaires pour les pays en développement pour couvrir l'intégralité des coûts supplémentaires de l'application d'Agenda 21 (le Plan d'action pour le XXI[e] siècle); les répercussions, en matière de financement, de la division des problèmes de développement durable en questions mondiales et en questions locales; le rôle futur du Fonds pour l'environnement mondial (FEM); la possibilité de nouveaux mécanismes possibles de financement, notamment deux nouvelles propositions émanant de la Chine et du Brésil et de l'Argentine; et la gestion publique pertinente des mécanismes de financement servant à canaliser les ressources financières vers les pays en développement. Bien qu'il reste encore à définir les options réelles concernant les ressources financières, les questions que les délégations souhaitent aborder à New York sont maintenant beaucoup plus claires. Il est probable qu'on demande encore au Canada de présider ces négociations non officielles durant la prochaine réunion du PrepCom.

Documentation :

A/CONF.151/PC/86	-	*Proposal for a Green Fund by China* (Proposition de la Chine au sujet d'un Fonds vert)
A/CONF.151/PC/93	-	*Position on Financial Mechanisms proposed by Brazil and Argentina* (Opinion au sujet des mécanismes financiers proposés par le Brésil et l'Argentine)
A/CONF.151/PC/L.54	-	*Final decision on Financial Resources* (Décision finale concernant les ressources financières)
A/CONF.151/PC/L.41	-	*Draft Decision proposed by G-77 and China* (Projet de décision proposé par le G-77 et la Chine)
A/CONF.151/PC/L.42	-	*Draft Decision proposed by Australia* (Projet de décision proposé par l'Australie)

DISCUSSIONS DU PREPCOM

Lors de PrepCom III, la délégation canadienne avait pour objectif fondamental de réduire la gamme de questions à l'étude, pour que nous puissions proposer aux ministres, à PrepCom IV, quelques options concrètes comme base d'un mandat de négociation.

Au début de PrepCom III, le président Tommy Koh a demandé au chef de notre délégation, John Bell, de présider les négociations non officielles concernant les ressources financières au cours de la réunion plénière. Pour cette raiosn, la délégation a décidé qu'il serait contre-indiqué qde faire notre propre déclaration nationale à ce sujet.

Le débat officiel au sujet des ressources financières s'est tenu dans la matinée du mercredi 28 août. Les principales déclarations ont alors été faites par les Pays-Bas au nom de la CE, les États-Unis, la Norvège, le Japon, le Ghana au nom du G-77, la Chine, la Malaysia et l'Inde. Bien qu'on ait traité, au cours de ce débat, à peu près les mêmes sujets abordés durant le débat officiel relatif aux ressources financières qui avait eu lieu lors de PrepCom II, on a pu remarquer une certaine modération dans le ton des discussions. Au nom du G-77, le Ghana a de nouveau déclaré qu'il fallait accoître l'APD pour atteindre l'objectif de 0,7 %, mais n'a pas défini les "ressources nouvelles et supplémentaires" comme des flux d'APD supérieurs à 0,7 %. La Malaysia et le Mexique, par exemple, ont clairement indiqué qu'il était important pour eux d'obtenir un engagement de base des pays développés au sujet des ressources nouvelles et additionnelles et de remettre à plus tard la détermination des volumes. La principale préoccupation de l'Inde consistait à réorienter les flux d'APD existants, en particulier ceux fournis par les banques de développement multilatérales, pour les éloigner des objectifs de développement, et instituer, dans l'octroi des prêts, une nouvelle condition, celle de l'environnement.

Par contre, les États-Unis ont réitéré leur opposition de longue date à l'objectif de l'APD et au principe de ressources "nouvelles et supplémentaires", puis ont réaffirmé qu'ils souhaitaient une réorientation des flux d'aide actuels vers le développement durable. En revanche, la CE a formellement affirmé son engagement à fournir des ressources "nouvelles et supplémentaires". Le Japon n'a pas pris position sur ce point litigieux, mais a mentionné les augmentations importantes des fonds qu'il a consacrés à l'APD à des fins environnementales au cours des trois dernières années. Il a fait état également de la possibilité d'autres augmentations.

Une grande partie de la discussion a tourné autour de la structure et de la gestion publique des mécanismes de financement, en particulier le FEM. La CE, le Japon et les États-Unis ont tous déclaré qu'ils prévoyaient que le FEM deviendrait un fonds général destiné à financer les engagements auxquels ont souscrit les pays en développement. Ces derniers ont rejeté cette approche et mis l'accent sur les mécanismes de financement spéciaux prévus dans chaque entente. De nombreuses délégations du G-77 ont critiqué le

FEM en raison de son manque de transparence et de son système de vote pondéré. La CE et les pays nordiques ont manifesté un certain intérêt pour le concept de "partenariat dans la complémentarité", comme le décrit le document PC/51 du Secrétariat relatif aux ressources financières.

La question des sources nouvelles de financement a curieusement engendré peu de discussions. Les Pays-Bas, au nom de la CE, ont recommandé l'examen des taxes énergétiques - bien que le Royaume-Uni ait adopté une position contraire. La Norvège a recommandé une utilisation accrue des crédits réciproques en nature. La Malaysia s'est demandé pourquoi les délégations n'étaient pas prêtes à examiner sérieusement les propositions visant à réorienter les dépenses militaires.

Deux documents émanant des délégations ont été déposés, mais n'ont pas été examinés en profondeur. La Chine a diffusé sa proposition de Fonds vert, telle qu'élaborée lors de la réunion ministérielle de juin 1990 à Beijing (PC/86), tandis que le Brésil et l'Argentine ont déposé leur propre document sur les mécanismes de financement (PC/93), qui proposait un "Fonds de promotion du développement durable". Les deux propositions portent sur la création d'un fonds général destiné aux activités de développement durable non couvertes par des conventions. Ce fonds serai constitué de contributions obligatoires des pays industrialisés et de contributions facultatives des pays en développement. La gestion, dans les deux propositions, reposerait sur le principe d'égalité entre les donateurs et les bénéficiaires, conformément aux dispositions du Fonds du Protocole de Montréal. La proposition du Brésil et de l'Argentine est plus détaillée, car elle donne un aperçu des sources possibles de revenus du Fonds, à savoir les taxes à la consommation prélevées dans les pays en développement sur des produits comme le mazout, les automobiles, les journaux et les timbres-poste.

La différence principale entre les deux propositions réside dans les secteurs de programme proposés. Le Fonds vert de la Chine est orienté vers les régions rurales, et il met l'accent sur le reboisement, l'accroissement de l'approvisionnement en eau douce et la prévention de la détérioration du sol. La proposition du Brésil et de l'Argentine réduit davantage les exigences en matière de financement pour ce qui est d'Agenda 21 et porte sur des questions environnementales, urbaines et industrielles comme le système sanitaire urbain, le contrôle des déchets chimiques et des déchets solides et la pollution de l'air par les industries.

Les délégations ont présenté deux ébauches de décision à étudier durant les négociations non officielles. La première a été déposée par le G-77 et la Chine (L.41), et la deuxième par l'Australie (L.43), qui y fait appel au consensus entourant la résolution 44/228 de l'AGNU. La première séance non officielle du vendredi après-midi s'est révélée difficile, étant donné que le G-77 a insisté pour que son ébauche de décision serve de base à une discussion plus approfondie, alors que les délégations des pays industrialisés ont, pour la plupart, refusé de réagir. Le porte-parole de la CE a très clairement fait savoir que la CE devrait envisager dans ses capitales comment elle

répondrait à l'ébauche du G-77. Il fut mis fin à la réunion par les protestations des délégations du G-77 qui ont fait remarquer qu'elles avaient passé les trois semaines précédentes à discuter, dans les autres Groupes de travail, de mesures environnementales qui auraient pour effet de restreindre leur développement, mais que, lorsque la question des ressources financières nécessaires aux pays en développement a été finalement soulevée, les pays développés refusent de l'examiner.

Au cours du week-end, la président canadien a consulté plusieurs délégations et a obtenu un accord prévoyant la tenue d'une discussion sérieuse au sujet de la décision du G-77 au cours d'une deuxième réunion, la communication de tous les documents actuels concernant les ressources financières lors de PrepCom IV et une compilation faite par le président des points de vue exprimés au cours des négociations non officielles. Une deuxième réunion informelle a été tenue sur cette base le lundi 2 septembre. Elle visait essentiellement à inspirer confiance, étant donné que les délégations sont venues pour discuter en profondeur du document du G-77. La discussion a porté en particulier sur deux questions : la possibilité ou l'obligation d'établir une distinction entre les problèmes environnementaux à l'échelle mondiale et au niveau local, afin de définir les coûts supplémentaires qui seront couverts par les ressources financières nouvelles et supplémentaires; et la gestion pertinente de tout nouveau mécanisme de financement. L'éventail complct des opinions exprimées dans ce débat figure dans l'aperçu préparé par le président et qui est annexé à la décision L.54.

Une deuxième réunion non officielle a été tenue le mardi 3 septembre, afin d'approuver une nouvelle décision en matière de procédure élaborée par le G-77 au sujet des ressources financières. Le principal point de friction entre les États-Unis et le G-77 était la priorité à accorder au texte L.41 du G-77 lors de PrepCom IV. Après avoir approuvé la suite du texte, on a trouvé une terminologie convenable par des consultations privées avec le président le lendemain matin et le texte au complet, notamment la compilation des opinions dressée par le président, a été adopté (L.54) sans débat en tant que décision finale de la réunion plénière.

RÉSULTATS ET ÉVALUATION

Le document L.54 constitue une simple décision de procédure. Il indique principalement que l'examen de la question des ressources financières devra commencer au début de PrepCom III et qu'on accordera à cette question suffisamment de temps pour qu'on parvienne à une décision avant la fin de la réunion. Les délégations du G-77 ont signalé que la prise de décision concernant les ressources financières à PrepCom IV, serait une condition préalable à toute conclusion concernant les questions sectorielles étudiées par les Groupes de travail I et II. Le document L.54 demande également que le Secrétaire général entreprenne des évaluations de coûts en vue de la mise en oeuvre de chaque secteur de programme d'Agenda 21, afin "d'aider à négocier les exigences financières lors de la quatrième réunion".

Pour trouver une formule permettant la réussite de la prochaine ronde de négociations au sujet des ressources financières, il faudra établir un compromis entre les perspectives des pays développés donateurs et des pays en développement bénéficiaires. Compte tenu des discussions qui se sont déroulées à PrepCom III, il semblerait que le compromis devrait se faire à propos de la gestion et de la définition des secteurs de programme en vue d'un GEF ou d'un "Fonds vert" de remplacement d'utilité générale.

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PREPARATIONS FOR THE UNITED NATIONS CONFERENCE ON ENVIRONMENT AND DEVELOPMENT ON THE BASIS OF GENERAL ASSEMBLY RESOLUTION 44/228 AND TAKING INTO ACCOUNT OTHER RELEVANT GENERAL ASSEMBLY RESOLUTIONS

CROSS-SECTORAL ISSUES

China and Ghana*: draft decision

Financial resources

* On behalf of the States Members of the United Nations that are members of the Group of 77.

GE.91-72274/7200a

The Preparatory Committee recalling General Assembly resolution 44/228,

Decides that the consideration of the item on financial resources, at its Fourth Session, should include the following elements:

(a) Provision of adequate funding, covering the full incremental costs and not entailing any reallocation of ongoing or required developmental programmes from the developing countries' own resources; new and additional funding, in that there is no reallocation of existing multilateral or bilateral financial flows for development purposes.

(b) There should be a separate fund for each convention, or proposed convention.

(c) There should be a general Fund (Fund for the Promotion of Sustainable Development/Green Fund) to cover activities not included in separate conventions. This Fund should be separate from the Global Environment Facility (GEF) and should serve the sustainable development needs of developing countries, including Agenda 21. Predictability in the flow of funds should be guaranteed by mandatory contributions from developed countries, in accordance with their responsibilities.

(d) The governance of the funding mechanisms should be transparent; democratic in nature; with an equal voice for all parties; with access to all developing countries without any conditionality; and provide for funding of activities according to the priority of the developing countries, taking into account the priorities identified in Agenda 21.

(e) These funds from the developed countries to developing countries will be to a great extent of a compensatory nature.

(f) The notion of "partnership in additionality" is to be understood as a commitment to provide new and additional financial resources to developing countries, for meeting, inter alia, the commitments under Agenda 21, and other sustainable development concerns.

(g) The need for a supportive international economic environment which promotes economic growth and development, particularly in developing countries, inter alia, through various ways such as market access, terms of trade, remunerative commodity prices, transfer of technology on preferential and non-commercial terms, addressing efficiently and urgently debt problems and alleviation of poverty.

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CROSS-SECTORAL ISSUES

Australia: draft decision

Financial resources

GE.91-72286/7203a

Recalling General Assembly resolution 44/228,

The Preparatory Committee,

1. Decides that it should make recommendations at its fourth session on financial resources issues, and that the following elements, drawn from UNCED objectives set out in resolution 44/228, should serve as the framework for such recommendations:

(a) Identification of ways and means of providing new and additional financial resources, particularly to developing countries, for environmentally sound development programmes and projects [44/228 OP15J];

(b) Identification of ways and means of providing additional financial resources for measures directed towards solving major environmental problems of global concern and especially of supporting those countries, in particular developing countries, for the implementation of such measures [44/228 OP15K];

Under (a) and (b), the Preparatory Committee should take into account, inter alia:

(i) Proposals concerning the need to provide adequate funding which covers the full incremental costs of implementing environment related development activities;

(ii) Proposals concerning the use of existing and any new financial resources, including from the following sources:

(a) Greater efficiency in domestic government expenditures;

(b) Enhanced use of market mechanisms to allocate resources;

(c) Private investment flows;

(d) Instruments for debt reduction;

(e) Increased trade through improved market access;

(f) Official development assistance;

(g) Voluntary donations from non-governmental sources;

(c) Consideration of various funding mechanisms, including voluntary ones, and the examination of the possibility of a special international fund and other innovative approaches, with a view to ensuring, on a favourable basis, the most effective and expeditious transfer of environmentally sound technologies to developing countries [44/228 OP15L];

(d) Quantification of the financial requirements of the successful implementation of UNCED decisions and recommendations and the identification of possible sources, including innovative ones, of additional resources [44/228 OP15V];

Under (c) and (d), the Preparatory Committee should take into account, inter alia:

(i) Existing funding mechanisms, including:

(a) The Global Environment Fund;

(b) The UNEP Voluntary Fund;

(c) Existing bilateral ODA channels;

(d) The Montreal Protocol Multilateral Fund;

(e) UNDP country programmes and funds;

(ii) Proposals for the establishment of a separate fund for each convention or proposed convention;

(iii) Proposals for the establishment of a general fund for the promotion of sustainable development/green fund (separate from the Global Environment Facility) which would cover activities not included in separate conventions and which would serve the sustainable development needs of developing countries, including Agenda 21;

(iv) Proposals for the establishment of separate funds to meet specific needs, including:

(a) A national capacity building fund;

(b) Issue specific voluntary funds;

(c) Bilateral arrangements under the concept of "partnerships-in-additionality";

(v) Proposals regarding predictability in funding of environmentally sustained development activities through any new general fund, including through assessed or voluntary contributions;

(vi) Proposals regarding the governance of any new funding mechanisms, reflecting:

(a) The need for accountability;

(b) The need for transparency;

(c) The need to build partnership among all countries involved;

2. Requests the secretariat to prepare possible draft elements on the above for inclusion in Agenda 21.

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PREPARATORY COMMITTEE FOR THE
UNITED NATIONS CONFERENCE ON
ENVIRONMENT AND DEVELOPMENT
Third session
Geneva, 12 August - 4 September 1991
Agenda item 2 (c)

PREPARATIONS FOR THE UNITED NATIONS CONFERENCE ON ENVIRONMENT AND DEVELOPMENT ON THE BASIS OF GENERAL ASSEMBLY RESOLUTION 44/228 AND TAKING INTO ACCOUNT OTHER RELEVANT GENERAL ASSEMBLY RESOLUTIONS: CROSS-SECTORAL ISSUES

Draft decision proposed by the Vice-Chairman, Mr. J. Bell (Canada) on the basis of informal consultations held on A/CONF.151/PC/L.41

Financial resources

1. The Preparatory Committee, in discussing the issue of financial resources in accordance with ~~raised in~~ UNGA resolution 44/228, took note of documennts L.43, PC/51, PC/86, PC/93 and held discussions on L.41.

2. The Vice-Chairman's compilation of views on these discussions is annexed to this decision.

3. Decides that negotiations on the issue of financial resources at its fourth session should be based on document L.41 without prejudice to the status of ~~taking into account~~ other proposals from delegations including L.43, PC/86 and PC/93.

4. Decides further that priority should be given to this issue in the scheduling of meetings of the fourth session, and that time from the beginning of the fourth session should be given to the negotiation of this issue, with a view to reaching a final agreement before the end of the session.

5. Requests the Secretary-General of the Conference, taking into account the views expressed on this issue during the third session, to provide concrete proposals based on cost evaluations for the implementation of each programme area of Agenda 21 which would assist the negotiation of financial requirements at the fourth session of the Preparatory Committee.

Vice-Chairman's compilation of views on financial resources

The draft decision on financial resources proposed by Ghana on behalf of the G77, and China was extensively discussed in informal sessions of the Plenary during the third session of the Preparatory Committee. The following is a compilation of the views expressed by delegations on each of the paragraphs of L.41.

Preamble:

There was general agreement that any decision on financial resources should reflect the importance of this issue for the outcomes of UNCED.

Paragraph (a)

There was general agreement that financial resources from external sources will be needed to help developing countries meet the costs of achieving sustainable development.

Delegations discussed how agreement could be reached over the incremental costs which should be covered by external funding and how such incremental costs could be calculated.

Some delegations argued that the distinction between local and global environmental problems would be useful in reaching such an agreement.

Other delegations disagreed, arguing that such a distinction could not be made given the global consequences of all environment and development problems. Furthermore, it was argued that the identification of "global problems" was being made by developed countries on the basis of their own national concerns and priorities - which might not be shared by all developing countries. The priority concerns of developing countries should not be considered as local problems, particularly if there is to be a global partnership in the interests of sustainable development.

Delegations also discussed the appropriateness of re-allocating flows from existing development assistance programmes to meet incremental costs for sustainable development.

Some delegations stated that any re-allocation of external financial flows would be inappropriate. Concern was also expressed about the potential re-allocation of resources from domestic budgets due to meet commitments under international environmental agreements.

Other delegations argued that a re-allocation of flows away from unsustainable development towards sustainable development should be a major outcome of UNCED. Such a re-allocation could be combined with additional funding, from different sources, depending on the specific funding needs. Some delegations also pointed out that re-allocation to meet changing priorities is a constant factor of existing financial flows. Some delegations also observed that it is difficult to make a distinction in practice between the "environmental" and "developmental" components of projects over the life-time of the project.

Paragraph (b)

There was general agreement that funding would be required to help developing countries meet their commitments under conventions.

Delegations discussed in general the appropriate funding mechanisms for conventions.

Some delegations suggested the need to create a separate fund for each convention.

Other delegations recommended that consideration be given to using a more general fund with separate mechanisms for channelling funding under each convention.

Paragraph (c)

There was general agreement that funding would be required to help developing countries implement the programmes contained in Agenda 21.

Delegations discussed whether there is a requirement for a general fund to serve the sustainable development needs of developing countries, including Agenda 21.

Some delegations argued in favour of such a fund. Other delegations thought that existing funding mechanisms should be used.

Delegations discussed whether the GEF, as it is presently structured, could serve as a general fund. Some delegations mentioned that the GEF could perhaps serve as a general fund, provided that its governance was made more transparent and democratic.

Some delegations argued that it could not and that there should be a general fund, separate from the GEF, to cover activities not included in separate conventions. The factors cited in favour of separating a general fund from the GEF included: the GEF's current mandate which is limited to

four "global problems"; the voluntary basis for contributions; its governance based on weighted voting; and the influence on its operations of the culture of the World Bank.

Other delegations suggested that the discussion of a new separate fund should be left for later negotiations.

Many delegations noted that the governance of funding programmes and mechanisms could be separated from the administration of the funds, and could be assigned to separate agencies. The example of the Montreal Protocol Multilateral Fund was cited in this regard.

Delegations discussed whether mandatory contributions were appropriate for any general fund and whether they would increase the predictability in the flow of funds and the volume of funding available.

Some delegations noted the importance of finding innovative sources of funds, in particular from non-government sources. Such innovative sources would most likely have to be voluntary, rather than mandatory.

Paragraph (d)

There was general agreement that the governance of funding mechanisms needs to be transparent.

Many delegations argued that the governance of funding mechanisms should be more democratic.

There was general agreement on the need for governments to set priorities for funding under Agenda 21.

Delegations discussed the applicability of mutual responsibility for funding to meet national priorities.

Some delegations expressed concern that there should be no new conditionality imposed on such funding.

Paragraph (e)

Delegations discussed the concept of whether funding from developed to developing countries should be on a compensatory basis. Some delegations expressed the need for further explanation of this concept.

Paragraph (f)

Many delegations expressed an interest in the concept of "partnership in additionality" and supported further examination of this concept.

Paragraph (g)

There was general agreement on the need for a supportive international economic environment which promotes economic growth and development, particularly in developing countries, and which will assist in the alleviation of poverty.

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PREPARATIONS FOR THE UNITED NATIONS CONFERENCE ON ENVIRONMENT AND DEVELOPMENT ON THE BASIS OF GENERAL ASSEMBLY RESOLUTION 44/228 AND TAKING INTO ACCOUNT OTHER RELEVANT GENERAL ASSEMBLY RESOLUTIONS

CROSS-SECTORAL ISSUES

Proposal submitted by the delegation of the People's Republic of China

THE GREEN FUND

Background

1. Each and every action taken to protect the global environment will require a certain amount of funding to ensure its success. This is particularly important to the developing countries.

2. As of now, global environmental funding comes mainly from the following two sources: one is the funding mechanism provided for in the Montreal Protocol on Substances that Deplete the Ozone Layer, by which the developed countries provide funding to assist the developing countries in reducing the production of such substances as CFC and achieving their replacement. The other is the Global Environmental Facility (GEF) which is used for projects in areas such as climatic change and biodiversity. These funding mechanisms have by and large concerned themselves with environmental problems of a global nature, whereas no corresponding fundings are available with respect to some special environmental problems mainly facing the developing countries.

3. The developing countries are very concerned about such a situation. They have called the attention of the international community to their special problems and special needs and called for its practical actions of assistance in the areas of funding and technology. The proposal for the Green Fund is aimed at solving some of the problems involved.

4. The Green Fund proposal was made for the first time by the Chinese Delegation at the first and second sessions of the Preparatory Committee. At that time, its concept was limited mainly to fundings for planting trees and grasses in the developing countries with a view to increasing their vegetation and their capacity to absorb greenhouse gases. This proposal has aroused much interest from many countries and international organizations which in turn have given it their endorsement and support.

5. At the Ministerial Conference of the Developing Countries on Environment and Development held in Beijing in June 1991, the Green Fund proposal also enjoyed extensive support from the developing countries. Moreover, its content has expanded to include, besides planting trees, assistance to help solve the special environmental problems facing the developing countries, problems that are not covered by the existing specific international legal instruments. Through consultation, the Green Fund was written into the Beijing Declaration (A/CONF.151/PC/85):

> "23. In order to deal with the long-existing but now rapidly aggravating environmental problems of immediate concern to the developing countries, a special Green Fund should be established to provide adequate and additional financial assistance to them. This Fund should be used to address problems which are not covered by specific international agreements, such as water pollution, coastal pollution affecting mangrove forest, shortages and degradation of fresh water resources, deforestation, soil loss, land degradation and desertification. It should also cover the costs of the transfer of environmentally sound technologies and the costs of building up national capabilities for environment protection and for scientific and technological research. This Fund should be managed on the basis of equitable representation from developing and developed countries and should ensure easy access for developing countries."

6. Therefore, the Green Fund is intended to be another global funding mechanism aimed at solving the special environmental problems facing the developing countries.

The Necessity for the Green Fund

7. Many developing countries are under pressure from various sides while confronting the challenges of environment and development. They must step up economic development to lift themselves from poverty and backwardness, while taking upon themselves the task of protecting the environment. They must take part in finding solutions to such global environmental issues as climate change and ozone depletion, while meeting challenges posed by the traditional environmental problems inside their countries. All these efforts require

large amounts of financial input, which is well beyond their capacity, given their present level of development. Therefore, it is necessary to furnish them with effective financial assistance.

8. The efforts to help the developing countries to solve their special, traditional, regional and domestic environmental problems are closely related to their extensive participation in international actions aimed at solving global environmental issues. In view of the fact that the developing countries are beset with economic underdevelopment and serious environmental problems domestically, if funding consideration is given only to the GEF-listed global issues without giving priority to the real needs of the developing countries, then, it will still be very difficult to endure their full, sustained and effective participation. It is hardly a comprehensive and realistic view to believe that financial assistance in certain areas will get all countries at different stages of development effectively mobilized.

9. The 1992 Conference on Environment and Development, as an important opportunity to promote even more extensive and in-depth global cooperation on environment and development, will, in addition to formulating document(s) aimed at mobilizing the international community, work to achieve a number of substantive results which will serve as the basis for follow-up actions of the future. The Green Fund, which provides a new way of funding, has already received the endorsement and support of many countries, and may become an attractive and important practical solution.

The Main Areas of Application of the Green Fund

10. In accordance with the Beijing Declaration, the Green Fund is aimed at solving the special environmental problems facing the developing countries which are not covered by the existing specific legal instruments. It will be used mainly in:

(a) Preserving forests (including mangrove forests), planting trees and increasing vegetation;

(b) Increasing the supply capacity of fresh water resources, preventing and treating water degradation;

(c) Preventing soil degradation, including control of soil loss and desertification.

11. When using the funds from the Green Fund in the above-mentioned areas, consideration will be given to the following needs:

(a) Provision of subsidies for the developing countries to purchase, on preferential terms, intellectual property for relevant technologies of environmental protection or environmentally sound technologies for economic development, and promotion of their transfer to and application in the developing countries;

(b) Provision of credit to the developing countries to help their projects of land development and ecosystem improvement, particularly their projects on large-scale afforestation, vegetation expansion and management, rational use of water resources and water degradation control;

(c) Provision of aid for the developing countries to strengthen their work of formulating environmentally sound socio-economic development programmes and their capacity to implement them, with particular emphasis on needed institutional facilities and personnel training;

(d) Provision of aid for the developing countries to develop demonstration projects which coordinate environment protection with development, such as eco-farming, alternative energy (hydro, wind or solar) projects.

The Mode of Fund Raising of the Green Fund

12. The Green Fund may follow the example of the existing economic development assistance funding institutions of the world in its fund raising efforts. Namely, the developed countries and the relevant international agencies will provide most of the funds. The developing countries will contribute as they can afford on a voluntary basis. The fund-raising methods could be diversified to include:

(a) A percentage formula, such as a certain percentage of GNP or United Nations membership assessment;

(b) Voluntary contributions by various countries;

(c) Intergovernmental grants, both bilateral and multilateral;

(d) Contribution by non-governmental organizations and individuals;

(e) Other creative methods of fund-raising, such as SDR distribution, global bond issues or global stamps, pollutant discharge quota exchange and excessive per capita pollutant discharge fees.

13. Under the current circumstances, the first method will be the main channel to draw funds for the Green Fund.

The Management of the Green Fund

14. As to the mode of management of the Green Fund, considering the special nature of the environmental problems it is set to resolve, it is advisable to make it a separate international fund. A governing council, which should be small and capable, comprising equal numbers of representatives from the developing and developed countries, should be set up and take charge of making decisions on important matters. Its day-to-day operations can be entrusted to appropriate international agencies such as the World Bank, UNDP, UNEP or FAO. The coordination would be done at a certain level in keeping with the decision taken by the 1992 Conference on Environment and Development.

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PREPARATIONS FOR THE UNITED NATIONS CONFERENCE ON ENVIRONMENT AND DEVELOPMENT ON THE BASIS OF GENERAL ASSEMBLY RESOLUTION 44/228 AND TAKING INTO ACCOUNT OTHER RELEVANT GENERAL ASSEMBLY RESOLUTIONS

CROSS SECTORAL ISSUES

Position paper submitted by Argentina and Brazil

Financial resources

GE.91-72451/1414H

FINANCIAL MECHANISMS FOR THE PROMOTION OF SUSTAINABLE DEVELOPMENT

I. Principles

1. The growing threat of imbalance in the global ecosystem is a direct consequence of development models that have been adopted since the first industrial revolution, especially in the developed world, where inadequate production, consumption, and waste standards have prevailed, particularly in regard to energy sources. In developing countries, environmental problems originate mainly from development models which have not created conditions to overcome poverty, with ensuing environmental degradation, which is aggravated by the limited access these countries have to environmentally sound technologies.

2. In order to solve the serious environmental problems of our days, efforts are required from the international community as a whole. The main effort must come from the highly industrialized countries, which are in a better position in terms of resources and which have played a more significant part in bringing about the damages and risks we are facing today.

3. The promotion of sustainable development is the fundamental goal of the Rio Conference. This concept was defined by the Governing Council of UNEP as the kind of development which meets the present needs without jeopardizing those of future generations and which does not imply, from any point of view, any intereference in the national sovereignty of States. The implementation of sustainable development involves greater international cooperation, including assistance to developing countries, according to their national development plans, priorities and objectives. Sustainable development also depends on a favourable international economic situation capable of producing sustainable economic growth in all countries. Therefore, it requires a prompt solution to the economic crisis which affects the developing world through stepped-up flows of financial and technological aid to these countries. In addition, the consolidation of more equitable international trade mechanisms is essential. Finally, sustainable development implies the incorporation of environmental considerations into the planning process and economic policies, requiring substantial investments in the protection of the environment on a global and local scale without introducing a new form of conditionality to the funding of development.

4. Given the economic and financial restrictions developing countries face, the attainment of a common objective of sustainable development requires an expanded flow of funds to finance programmes and projects aimed at promoting environmentally sound development models in these countries, without sapping the funds already allocated to traditional international cooperation initiatives. These funds must therefore be new and additional.

5. The funds for initiatives directly related to protect and recover the quality of the environment are, in most cases, channelled to projects which produce none or very little financial return. A highly concessional component must also be incorporated to these funds, so that the disbursements may be made on a non-refundable basis or with preferential return rates, according to the characteristics of each project. One must not forget that important

social gains will be achieved by the implementation of environmental projects. This is an economic fact that would by itself justify the financing of such projects, either by national means or by the international community.

6. If the Rio Conference is to make fundamental decisions aimed at promoting sustainable development on a global scale and establishing a comprehensive action programme in this regard, we must bear in mind that the effectiveness and credibility of those decisions directly depend on a financial support mechanism capable of making the necessary investments feasible in the developing world.

7. In tune with the new rationale of sustainable development, it is worthwhile to point out that an environmental expense should be seen more as an investment, than a cost, especially in terms of the creation of social benefits, even if only on a long-term basis.

8. The new financial resources should be channelled by means of appropriate institutional mechanisms. The mechanisms available today are clearly inadequate for the new commitments to be taken on by the international community at the Rio Conference. The main problems of the "traditional" financing sources - bilateral cooperation, UNEP Environment Fund, multilateral financing institutions, and the Global Environmental Facility of the World Bank, among others - are the insufficiency or nonexistence of concessional disbursement modes, the imposition of conditionalities and limitations on meeting the receipient's priorities, and the "stagnant" treatment given to the environment and development issues.

9. In addition, the new resources cannot be limited only to financing initiatives related to environmental issues commonly defined as global. They should also serve the local and domestic environmental issues of developing countries. It is important to notice that there is not a hierarchy between the local and the global problems. Although local problems effect more directly the communities which experience them, they often have also an impact on the ecosystem of the planet as a whole.

10. The several multilateral legal instruments which are already available or are in negotiation on the global issues related to the environment (ozone layer, biological diversity, climate change, etc.) should include financial mechanisms of their own. This would ensure concessional resources to the developing countries, which are parties to it, aimed at covering, in full, the incremental costs of their obligations. Even if the developing countries accept the burden of international legal obligations related to the protection of the environment in connection with problems for which they are accountable only to a limited extent, they will hardly have the means to implement their commitments.

11. In addition to the mechanisms provided for in specific international instruments, a Fund for the Promotion of Sustainable Development (henceforth referred to as "the Fund") should be established on an open basis with the aim of financing solutions to the environmental problems faced by developing countries, and the expansion of their national technological capacities, as well as the environmental components of development programmes and projects, so as to promote the sustainable development model.

12. The contributions made to the various new mechanisms, that is, the Fund *and the mechanisms* linked to agreements on global issues, should be compulsorily provided by the countries that are in a position to do so. They should be preferentially set according to technical criteria, with the aim of guaranteeing the predictability and steadiness of the necessary resources to be applied in the different objectives involved. These resources will be channelled to the developing countries, which will have no obligation to contribute.

13. The financial resources to be invested in domestic programmes and projects of the developing countries would include the financing of the following initiatives, inter alia, according to Agenda 21:

(a) Basic sanitation projects in urban areas with a large concentration of population;

(b) Water decontamination and watershed protection projects;

(c) Control of chemical and solid waste, particularly of toxic and dangerous substances;

(d) Air pollution control in industrial areas;

(e) Protection and rational use of coastal zones;

(f) Protection of land resources: actions against desertification, deforestation, erosion, and drought; and support to rural communities, so as to settle population in areas with agricultural capability and alleviate pressure on forest areas;

(g) Actions aimed at eradicating poverty and improving living and working conditions in rural and urban areas;

(h) Actions aimed at promoting improvements in the conditions of health and education.

14. There should be a clear definition of the donor countries and the recipient countries. According to the decisions and recommendations of the Rio Conference and to the criteria adopted by the United Nations, the developing countries shall be the recipients.

15. The decision-making process in connection with the different financial mechanisms - the Fund and the mechanisms of the conventions - should be based on the representation on a parity basis of the recipient and donor countries. It should preserve the decision-making autonomy of the parties to each of the agreements on global issues and a corresponding system should be conceived for the Fund.

16. The terms for the disbursement of resources allocated to each environmental project financed by the Fund and by specific mechanisms should be adapted to the nature of such projects, taking into account not only its financial return features, but also its dimension and extension.

II. Financing Mechanisms

17. A first issue to be considered is the definition, even if appproximately, of the amount of resources needed to meet the priorities of the developing countries and their commitments in connection with the agreements on global issues. Some data is available in the document on Financial Mechanisms prepared by the secretariat of UNCED to inform the debates of the III Session of the Preparatory Committee (A/CONF.151/PC/51):

(a) Total amount of Official Development Assistance (ODA) - 55 billion dollars/year, which is a modest figure as compared to the 25-trillion-dollar global-wide GDP, and which corresponds to abou' 0.35% of the GDP of OCDE countries, and only half of the 0.7% of GDP goal for ODA set up by the United Nations;

(b) Additional resources necessary to assure a minimum growth rate combined with environment-protecting strategies in LDCs: 60 billion additional dollars in 1990, reaching a sum of 140 billion additional dollars in the year 2000 (WIDER - World Institute for Development Economics Research, United Nations University);

(c) According to WIDER, the above-mentioned sums can be fully covered by the international financing capacity. The key issue is political will.

18. "Accurately" defining the sums may be a time-consuming task, and this fact should not be used as an excuse to impose obstacles on the creation of appropriate financial mechanisms and their implementation. The definition of necessary sums will be refined as operation of the Action Programme to be adopted by the Rio Conference begins.

19. The precedent of the Montreal Protocol Fund and the experience acquired during its first year of activities must be taken into account in the process of establishing the new financial mechanisms. Identical or similar solutions to the ones defined by the parties to the Protocol will be used as a basis for the referral of concrete proposals on the following points:

(a) Institutions under which the different financial mechanisms will be established;

(b) Financial management (a Treasury function);

(c) Decision-making on the financing of projects;

(d) Implementation and follow-up of operational activities;

(e) Institutions responsible for the secretariat function of the Fund.

III. Proposal for the Creation of the Fund for the Promotion of Sustainable Development.

20. The Rio Conference will decide on the institutional location of the Fund. The institution under which the Fund will be created would be basically charged with treasury functions.

21. The new Fund will be served by a small secretariat, but one consistent with its assignments.

22. The decision-making process related to the approval of projects within the context of the Fund will require the participation on a parity basis of donor and recipient countries.

23. Designed International Institutions will act as "implementing agencies" within the limits of their institutional competence. The terms set for the cooperation between these "agencies" and the Fund will be defined by means of agreements individually negotiated with each "agency".

IV. Setting Criteria for Compulsory Contributions to the Financial Mechanisms

24. The contributions to the future financial mechanisms should be defined according to specific criteria. It is also important to set a goal for the total amount of annual contributions, thereby ensuring the predictability of resources needed to finance the desired actions.

25. The financial mechanisms to be defined by the different conventions being negotiated at present should include the criteria for setting the contributions. Therefore, the assumptions listed below are more specifically related to the criteria which are applicable to the establishment of contributions to the Fund for the promotion of the sustainable development.

26. Bearing in mind that certain patterns of consumption and the use of some products, directly or indirectly, play a role in generating environmental problems, compulsory contributions could be set in order to promote the adoption of sustainable patterns worldwide and discourage the patterns of production and consumption that prevail in developed countries. An example which has been very often cited due to its contribution to pollution and environmental damage is the use of fossil fuels. The choice of the products and the value of contributions as a percentage of their consumption should be evaluated by specific fora of experts. One of the main advantages of this proposal is the fact that it is based on equity: excluding the developing countries, for obvious reasons, those countries among the developed countries with high rates of consumption should afford higher economic costs. An additional advantage is that low values established for widely-consumed products will produce substantive contributions, as the following examples show:

(a) Consumption of oil barrels in OECD countries: 37.5 million barrels/day = 13,687,500,000 barrels/year (1989). A tax of $US 1 on the consumption of each oil barrel (or equivalent product) would produce an annual global revenue of about 13.6 billion dollars;

(b) Motor-driven vehicles in circulation in OECD countries: in the USA alone, there are 177,135,000. A contribution of $US 10 for each vehicle/year would yield 1,771,350,000/year.

(c) Daily circulation of newspapers in OECD countries: in the USA alone, there are 267 copies/1,000 inhabitants (1983), or 63,546,000 copies/day = 23,194,290,000 copies/year. Contribution of $US 0.001 for each copy: $US 23,194,290,000/Year.

27. Each country should define its own means to raise resources to cover the cost of its contribution.

V. Raising Additional Resources for the Fund

28. Many innovative approaches may be considered in this connection, in addition to the compulsory contributions:

(a) Issue of Bonds. Environmental control projects would be funded by means of the issuance of bonds by international organizations, endorsed by the industrialized countries. The bonds would have a long reimbursement term (20 to 30 years) and the interest would be paid by the endorsing countries. The interest paid to the purchasers of the bonds would be low and would be free of taxes in the respective countries;

(b) Clearing house. Projects within the interests of developing countries would be submitted to the secretariat of the Fund. The latter would act as a clearing house, spotting possible alternative bilateral or multilateral financing sources. If the financing for the project is insufficient, it would be referred to the Executive Committee of the Fund, which would discuss the possibility of complementing the sums with the Fund's own resources. The main advantage of this system is that it allows the donors to apply their disbursements to earmarked projects.

(c) Green Mail. As a complementary resource-raising mechanism, an environmental stamp would be created to be used compulsorily in all international correspondence. It allows private individuals to make donations just by buying stamps. The idea has a strong marketing appeal. Just to illustrate the volume of resources that could be raised, it is worthwhile checking the following data:

(i) International correspondence (letters, "petit paquets", printed matter, etc.) exchanged in 1989: 8,224,000,000 units;

(ii) Correspondence (only regular letters) sent by the developed countries alone in 1989: 3,750,000,000 units;

(iii) Total domestic and international correspondence sent in 1989: 431,000,000,000*;

(d) Contributions from multilateral credit organizations. Also as a complementary mechanism, part of the net income of these institutions would be annually channelled to the Fund;

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* Source: UPU data, provided by the Brazilian Mailing and Telegraph Company

(e) Contributions from international indemmification and compensatory payments related to environmental accidents could be used as a capitalization mechanism for the Fund, if the Rio Conference makes a decision in that connection;

(f) Utilization of the Special Drawing Rights of the IMF;

(g) The importance, in this context, of irmproving terms of trade, with the consequent need to reduce the net transfer of resources from developing countries towards multilateral financial organizations.

VI. Resource-Raising by the Countries on Individual Bases

29. Debt for environmentally sound development programmes may be applied to countries individually and according to their convenience. It should not be regarded as a solution to be internationally advocated.

30. A system could also be devised according to which the resources from interest and principal payment of loans borrowed with the aim of promoting sustainable development would not necessarily return to their sources. In some cases, which are yet to be defined, these resources would be kept in national Funds set up according to the domestic rules of each country and in local current, to be allocated to environmental protection projects with no financial return. This proposal would be implemented without harming in any way the continuous flow of new resources to new projects. The advantage of this proposal is that it alleviates the foreign debt of the countries involved. The disadvantage is that it "stamps" the allocated money as a loan, which remains in the recipient country.

VIABILITÉ, ÉCONOMIE INTERNATIONALE, COMPTABILITÉ ÉCONOMIQUE-ENVIRONNEMENTALE INTÉGRÉE ET INSTRUMENTS ÉCONOMIQUES

RÉSUMÉ

Ce sujet englobe les liens entre l'économie et l'environnement ainsi que les mécanismes permettant d'intégrer les objectifs environnementaux aux pratiques commerciales et financières actuelles. Le système économique international et les règles actuelles du commerce international ont été mis en doute tant sur le plan du développement que sur celui de l'environnement. Il est clair qu'on préconise des changements dans le fonctionnement de l'économie internationale et dans le cadre actuel du commerce international, ce qui entraîne des conséquences pour les institutions qui s'intéressent à ces questions, particulièrement le GATT.

Documentation

A/CONF.151/PC/46	*The Relationship between Demographic Trends, Economic Growth, Unsustainable Consumption Patterns, and Environmental Degradation* (Les relations entre les tendances démographiques, la croissance économique, les profils de consommation non durable et la dégradation de l'environnement)
A/CONF.151/PC/47	*The International Economy and Environment and Development* (L'économie internationale, l'environnement et le développement)
A/CONF.151/PC/48	*Environment and International Trade* (L'environnement et le commerce international)
A/CONF.151/PC/49	*Integrated Economic Environmental Accounting* (La comptabilité économique environnementale intégrée)
A/CONF.151/PC/50	*Utilization of Economic Instruments* (L'utilisation des instruments économiques)
A/CONF.151/PC/68	*Recent Actions of Intergovernmental and Other Bodies of Relevance to the Preparatory Process* (Initiatives récentes menées en rapport avec le processus préparatoire par des organismes intergouvernementaux et autres)
A/CONF.151/PC/L.50	*Decision: Sustainability, International Economy, Integrated-Environmental Accounting and Economic Instruments* (Décision : Fiabilité, économie internationale, comptabilité économique-environnementale intégrée et instruments économiques)

DISCUSSIONS DU PREPCOM

Les objectifs canadiens dans ces domaines portaient principalement sur :

- le soutien à accorder au concept d'une approche coordonnée en vue de l'utilisation des instruments économiques, notamment le principe du pollueur payeur - et l'accord à réaliser sur ce sujet;

- l'examen du cadre institutionnel de l'ONU en vue d'établir des liens plus étroits avec l'OCDE et d'autres organisations internationales à propos des instruments économiques et des voies et moyens permettant d'aider les pays en développement à mettre en place une plus grande capacité qui leur permettrait d'analyser l'application des instruments économiques afin de pouvoir atteindre les objectifs en matière d'environnement.

La plupart des délégués ont examiné un ou tout au plus deux documents de référence PC. Tenant compte des priorités nationales ou régionales, les pays du G-77 ont mis davantage l'accent sur le document PC47 (Économie internationale, Environnement et développement) [International Economy and Environment and Development] et le document PC48 (Environnement et commerce international) [Environment and International Trade], tandis que les pays industrialisés ont parlé davantage du document PC49 (Comptabilité économique-environnementale ingégrée) [Integrated Economic-Environmental Accounting] et du document PC50 (Utilisation des instruments économiques) [Utilization of Economic Instruments].

A. Économie et commerce internationaux

Dans l'ensemble, il existe un consensus aux termes duquel le régime commercial actuel doit changer, entre autres pour englober les considérations d'ordre environnemental, quoique les vues diffèrent à propos des secteurs où le changement devrait se produire et de la façon dont il devrait s'opérer. Les points de vue et les propositions étaient axés sur le commerce, le développement et l'environnement, tous les délégués s'entendant pour dire que les questions relatives à l'environnement ne devraient pas entraver ni déformer les discussions relatives au commerce et au développement. Le principe d'intégration des coûts environnementaux au système d'établissement des prix a été soulevé à maintes reprises, comme celui de l'harmonisation des normes environnementales (compte tenu de la capacité de la nation et de la nécessité de fournir des mécanismes devant servir, au besoin, à la mise en place des capacités).

Le rôle du GATT dans l'intégration des politiques commerciales et environnementales, dans l'établissement de normes et dans le règlement de différends a été mentionné par plusieurs délégués, avec un délégué (le Vénézuéla) demandant un programme environnemental pour le GATT et les pays du G-77 et la CE exigeant la participation d'autres organismes de l'ONU vouées à l'environnement (PNUE), au développement (PNUD, FAO) et au commerce (CNUCED). Dans leurs interventions concernant le commerce, la CE et les États-Unis ont fait valoir que le libre-échange constitue une

force positive pour l'environnement parce qu'il permet un fonctionnement plus efficace du marché, particulièrement si les prix tiennent compte des coûts environnementaux.

B. Utilisation des instruments économiques

Les instruments économiques ont été utilisés de manière positive par les pays développés, dont un grand nombre signalent le travail utile qu'effectuent les organismes financiers internationaux tels que l'OCDE, le FMI et la Banque mondiale. Plusieurs ont décrit en détail leurs propres expériences nationales, et le Japon, l'Allemagne, la Norvège et la CE ont mis l'accent sur le rôle primordial qu'a joué la réglementation dans l'atteinte des objectifs environnementaux de la politique commerciale et industrielle.

Le G-77 a été plus prudent, soulignant que les instruments doivent être placés sous contrôle intérieur et tenir compte des contextes nationaux. Dans sa déclaration, faite également au nom du Brésil et de l'Uruguay, l'Argentine a apporté des réserves au soutien qu'elle accordait aux instruments économiques, en soulignant la nécessité d'avoir en premier lieu un système de fixation de prix exempt de distorsions (c'est-à-dire, l'absence totale de subventions, de stimulants fiscaux), d'inclure les coûts environnementaux dans le cadre réglementaire et de disposer d'un système reposant sur le principe du pollueur payeur, et où les revenus seraient affectés à des fins environnementales.

On s'est inquiété en général, surtout parmi les délégués des pays en développement mais également parmi ceux des pays industrialisés, que toute mesure ou tout règlement visant à satisfaire les objectifs de la politique environnementale ne se transforme en une nouvelle forme de protectionnisme, et que toutes les mesures soient non discriminatoires et fondées sur des preuves scientifiques.

C. Comptabilité économique-environnementale intégrée

Dans sa première déclaration, la CE a insisté sur les avantages de la comptabilité nationale améliorée et ceux de l'intégration de l'information en matière d'environnement au rendement d'un projet. L'intervention de la Norvège a porté sur la description d'un système de comptes satellites pour les émissions et des liens d'un tel système avec l'activité économique. Ce système permet maintenant de faire, à l'aide de modèles macro-économiques et de propositions d'activités futures intégrées, des prévisions sur les émissions, lesquelles constitueront une meilleure base d'élaboration de politiques.

Les États-Unis ont, dans leur intervention, également exposé les efforts qu'ils déploient pour améliorer leur système de comptabilité économique-environnementale et offert leur soutien technique aux pays en développement dans ce secteur. Enfin, DIESA a décrit le travail qu'il effectue pour accroître le niveau de comptabilité environnementale et a parlé de la nécessité d'établir et de tenir à jour des bases de données intégrées.

RÉSULTATS ET ÉVALUATION

La réunion plénière a, par consensus, approuvé la décision L.50 demandant au Secrétaire général de continuer à travailler aux questions figurant dans ce groupe de sujets de l'agenda et de présenter à PrepCom IV des propositions pour Agenda 21 (le Plan d'action pour le XXI^{e} siècle).

Certaines questions traitées dans ce point de l'agenda sont chargées de connotations et donnent lieu à des divisions Nord\Sud. Il est clair que les pays en développement s'attendent à des changements fondamentaux dans le système économique international, surtout en ce qui concerne les termes de l'échange, l'endettement, la stabilité des prix des produits de base et les flux des ressources financières qu'ils considèrent comme les principales entraves au développement et, par conséquent, des facteurs de détérioration de l'environnement.

Ils n'ont toutefois pas fermé la porte à l'examen des instruments économiques et de la comptabilité économique-environnementale, mais ont reconnu que ces sujets sont étroitement liés au développement des capacités. Il y a eu un accord général au sujet de la nécessité d'effectuer, dans le cadre de l'agenda, un examen approfondi des institutions (ONU et organismes inter-gouvernementaux) et des liens qui existent entre elles.

La décision finale de demander au Secrétariat de proposer des mesures bien précises qui seront étudiées lors de PrepCom IV, a été prise à vrai dire sans discussion. Cela était peut-être inévitable, étant donné qu'il s'agissait de Prepcom I au cours duquel ces questions ont été débattues. Bien qu'aucune partie de la décision n'aille à l'encontre des objectifs canadiens, PrepCom IV et la communication des documents par le Secrétariat indiqueront plus clairement l'orientation des discussions à prendre au sujet de ces questions.

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PREPARATIONS FOR THE UNITED NATIONS CONFERENCE ON ENVIRONMENT AND DEVELOPMENT ON THE BASIS OF GENERAL ASSEMBLY RESOLUTION 44/228 AND TAKING INTO ACCOUNT OTHER RELEVANT GENERAL ASSEMBLY RESOLUTIONS

CROSS-SECTORAL ISSUES

Draft decision proposed by the Rapporteur, Mr. Ahmed Djoghlaf (Algeria) on the basis of informal consultations

Sustainability, international economy, integrated-environmental accounting and economic instruments

GE.91-72539/1463H

The Preparatory Committee,

Recalling General Assembly resolution 44/228,

1. Takes note with appreciation of the reports of the Secretary-General on sustainability, international economy, integrated economic-environmental accounting and economic instruments contained in documents A/CONF.151/PC/46-50;

2. Requests the Secretary-General to continue work on these issues and to prepare and submit to the Committee at its fourth session proposals for action on relevant issues pertaining to sustainability, international economy, integrated economic-environmental accounting and economic instruments, to be included in Agenda 21 in accordance with its agreed structure as contained in decision [contained in document A/CONF.151/PC/L.49], taking into account views expressed by delegations at the current session.

TRANSFERT DE TECHNOLOGIE

RÉSUMÉ

Les discussions à ce sujet ont été entamées au cours de la dernière semaine de la réunion du Comité préparatoire (PrepCom III), alors que trois jours avaient été accordés pour les séances officielles et officieuses. En raison des contraintes de temps, on n'a donc pas eu beaucoup de possibilités d'explorer en profondeur les options relatives au transfert de technologie. Dans ses déclarations et projets de résolution (A/CONF.151/PC/L.46), le G-77 a continué de souligner le besoin de nouveaux mécanismes de transfert de technologie à des "conditions de faveur". Il existait également un lien direct avec le besoin de ressources financières. Les pays de l'OCDE ont insisté sur le développement des capacités en présentant plusieurs variantes sur le thème développé dans le rapport du Secrétaire général (PC/53).

Enfin, en raison des contraintes de temps dues à la nature même du débat sur la question, on n'a pu s'entendre sur aucune ébauche de décision réelle. La question a été renvoyée à PrepCom IV, tandis que le Secrétariat a demandé de produire des "projets d'option" pour Agenda 21 (le Plan d'action pour le XXI[e] siècle). Il convient de signaler l'obligation pour chacun des dix secteurs d'Agenda 21 de traiter également du transfert de technologie. Cela peut orienter la question vers des activités et des problèmes bien précis et également compliquer les négociations en dirigeant le débat vers plusieurs objets à la fois.

DOCUMENTATION

A/CONF.151/PC/53 - *Report on Transfer of Technology* (Rapport sur le transfert de technologie)

A/CONF.151/PC/L.46 - *Draft decision on Transfer of Technology submitted by G-77 and China* (Ébauche de décision sur le transfert de technologie, document soumis par le G-77 et la Chine)

A/CONF.151/PC/L.53 - *Draft decision on Transfer of Technology submitted by Vice-chair* (Ébauche de décisions concernant le transfert de technologie, document soumis par le vice-président)

- *Preliminary Summary of Plenary Session Statements on Transfer of Technology submitted by the Vice-chair* (Résumé préliminaire des déclarations relatives au transfert de technologie faites en plénière, document soumis par le vice-président)

- *Draft - A Technology Cooperation Framework for Sustainable Development (US informal paper)* (Ébauche - Cadre de coopération technologique pour le développement durable, document non officiel des États-Unis)

- *Informal written comments on PC/L.46 by*

(1) Canada
(2) US
(3) Netherlands (EC)
(4) US

(Commentaires écrits non officiels concernant le P.C./L46 par

(1) le Canada
(2) les États-Unis
(3) Les Pays-Bas (CE)
(4) les États-Unis

DÉBATS DU PREPCOM

Les objectifs bien précis de la délégation canadienne à PrepCom III préparatoire sont les suivants :

- s'inspirer du concept de "développement des capacités", tel qu'il est présenté dans le document du Secrétariat;
- déterminer si et comment les études par pays mentionnées dans les conventions relatives à la biodiversité et au changement climatique pourraient être appliquées à d'autres secteurs;
- réunir les points de vue d'autres pays sur la façon d'aborder cette question à la CNUED et s'informer sur les principales préoccupations des pays en développement;
- représenter les intérêts commerciaux et économiques du Canada en matière de transfert de technologie.

Au cours des discussions, plusieurs pays en développement ont soutenu que le transfert de technologie devrait se faire à des conditions préférentielles et à des conditions de faveur (Pakistan) ou à des conditions de faveur et des conditions autres que des conditions commerciales (Inde et Égypte). Par ailleurs, le porte-parole (Ghana) du G-77 a insisté davantage sur la nécessité d'améliorer la diffusion générale de la technologie, de développer des capacités internes et de contrôler l'utilisation de la technologie dans les pays en développement (p. ex. en limitant le transfert de technologies désuètes (c'est-à-dire "non respectueuses de l'environnement") et en empêchant dans une certaine mesure qu'on se serve des pays en développement comme terrain d'essai (p.ex. en biotechnologie).) Ce point de vue apparaissait dans les interventions de plusieurs pays de l'ANASE. Plusieurs thèmes revenaient dans les interventions faites par les pays membres de l'OCDE. Mentionnons l'importance fondamentale du perfectionnement des ressources humaines (CE, les pays nordiques, le groupe CANZ, les États-Unis), le risque de trop mettre l'accent sur la propriété intellectuelle en tant qu'enjeu (CE, le groupe CANZ), le besoin d'accroître les renseignements sur les technologies (CE, États-Unis) ainsi que le rôle essentiel que joue le secteur privé dans le transfert de technologie.

Le G-77 a présenté une ébauche de décision (PC/L.46) visant à établir le cadre d'une discussion plus profonde au sujet du transfert de technologie lors de PrepCom IV. Cette ébauche de décision portait principalement sur la création de "mécanismes" servant à transférer une technologie respectueuse de l'environnement; l'établissement de ces mécanismes était liée directement à la question du financement (il s'agit d'un thème qui revient dans toutes les interventions faites par les pays en développement). On a souvent mentionné le rôle des pays développés dans le transfert de technologie, mais on n'a pas mis l'accent sur la question de la propriété intellectuelle.

Après une séance non officielle et compte tenu des amendements écrits de la CE, des États-Unis et du Canada, il y a eu une séance non officielle de négociations au sujet de l'ébauche de décision. Malheureusement, plusieurs délégués importants, provenant principalement des pays en développement, étaient absents, ce qui a limité la portée du dialogue.

Dans les discussions de la séance finale non officielle, on s'est inspiré d'un texte présenté par le président. Les délégués de l'Arabie Saoudite et de l'Inde ont joué un rôle très actif à cette séance, le délégué de l'Inde mentionnant autant le texte du G-77 que celui du président. Les questions non résolues ont été mises entre parenthèses dans le texte de l'ébauche de décision, que le Groupe de travail a finalement convenu d'envoyer à PrepCom IV.

RÉSULTATS ET ÉVALUATION

On ne pouvait réellement faire plus qu'entamer la discussion sur cette question, étant donné le peu de temps accordé, ce qui explique en partie les faibles progrès réalisés lors de PrepCom III. Il s'agit, il va sans dire, d'une question prioritaire pour les pays en développement, bien qu'on ait constaté des variantes dans l'approche adoptée par différents pays.

L'accent mis par le G-77 sur les "mécanismes" et le "financement" du transfert de technologie renforce les liens qui existent entre le transfert de technologie, les ressources financières et les questions institutionnelles. En ce qui a trait au transfert de technologie, PrepCom IV promet d'être difficile, étant donné l'intention des membres du Comité d'examiner les trois questions collectivement. Le besoin actuel de traiter le transfert de technologie dans chaque chapitre distinct d'Agenda 21 peut accroître les difficultés. Cette façon d'aborder la question peut certes conduire à des propositions concrètes sur le transfert de technologie dans certains domaines, mais, l'elargissement de la discussion peut donner lieu à des propositions ralatives par exemple à la création de nouvelles institutions, de nouveaux mécanismes, d'un nouveau système de financement ou d'information.

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CROSS-SECTORAL ISSUES

Draft decision proposed by the Vice-Chairman, Mr. B.S. Utheim (Norway) on the basis of informal consultations

Transfer of technology

The Preparatory Committee

Recalling General Assembly resolution 44/228

1. Takes note with appreciation of the report of the Secretary-General on the Transfer of Environmentally Sound Technology (A/CONF.151/PC/53),

2. Requests the Secretary-General of UNCED

(a) to transmit the text of the Coordinator (annexed to this decision) to the fourth session for further negotiations;

(b) to continue work on these issues and to prepare and submit to the fourth session draft options for Agenda 21 taking into account the Coordinator's text and the discussions during the Plenary and the informal consultations.

ANNEX

Coordinator's text on

THE TRANSFER OF ENVIRONMENTALLY [SAFE AND] SOUND TECHNOLOGY

(on the basis of A/CONF.151/PC/L.46, informal consultations)

The Preparatory Committee decides to deal, at its fourth session on the basis of General Assembly resolution 44/228, with the issue of transfer to the developing countries of environmentally [safe and] sound technology and the corresponding technical know-how taking into account the objectives and programmes that may emerge in Agenda 21 which should include the following elements:

1. The concepts included in paragraph 15 (m) of resolution 44/228,

2. The [identification] [and examination] with a view to the establishment and/or development of appropriate international and national mechanisms to promote, facilitate and finance the transfer of environmentally [safe and] sound technology including on concessional and preferential terms, without prejudice [to the protection of intellectual property rights or] to specific commitments and arrangements on transfer of technology to be adopted in specific international instruments regarding the protection of the environment. In this regard, [the Fourth Preparatory Committee Session should discuss with a view to arriving at an agreement on recommendations to the Conference on such mechanisms which aim at:] such mechanisms should also aim at:

New para 2(a):

(a) [Encouragement of improved flows of environmentally [safe and] sound technology to developing countries, also making uses of commercial mechanisms.]

(a) Supporting the development of endogenous capacity building in developing countries through, inter alia, the development of human resources and the strengthening of institutional capacities in R & D on the basis of country and sector specific assessment of the technology needs, in accordance with the plans, objectives and priorities of these countries

(b) [Helping to ensure] [Ensuring] the access, particularly of developing countries, to scientific and technological information, including state-of-the-art technologies, inter alia, through the establishment and/or development of international information networks and their databases, based on regional and national centres, easily accessible by potential users to information related to technological options, trading conditions, implementation costs, and technological [security] [safety],

(c) Exchanging experiences of and developing the capacity for technology assessment, environmental impact and risk assessment of technology, (particularly new technologies) in particular in developing countries to enable them to make choices based on environmentally [safe and] sound technology.

(d) Purchasing [appropriate] [environmentally [safe and] sound technology] patents for their transfer to developing countries on non-commercial terms [as part of aid packages].

[Purchasing patent licences on commercial terms for their transfer to developing countries on non-commercial terms.]

[Facilitating the transfer of intellectual property rights between countries where such action is essential to the success of the project.]

[Facilitating transfer of appropriate technologies including intellectual property rights to the developing countries in various modalities as part of aid activities.]

(e) Developing [appropriate] international safeguards on the transfer of technologies, especially new technologies, which are subject to restriction or prohibition on environmental or health grounds in the country of origin;

(f) Sponsoring regular and short-term visits or facilitating [on a voluntary basis] the permanent return of qualified experts in the field of environmentally [safe and] sound technologies who are of developing-country origin and are currently working in developed country institutions;

(g) Facilitating the maintenance and promotion in developing countries of environmentally sound indigenous technologies that may have been neglected or displaced.

New para 2:

2. [[Recognition of the needs to facilitate] [Facilitation of] the roles of market mechanisms, private sector, trade expansion, and intellectual property rights in promoting further advances in technology development, cooperation, and transfer.]

3. Ways and means to promote long-term technological partnerships between the holders of environmentally sound technology and potential users in developing countries, inter alia through increase of direct investment, joint ventures and joint R & D programmes; taking into account developing countries objectives and policies.

4. The creation [promotion] by [developed] [all] countries of systems of incentives, fiscal or otherwise to stimulate and increase the transfer, by companies operating under their jurisdiction [and control], of environmentally [safe and] sound technologies in particular to developing countries [whilst ensuring that intellectual property is protected].

5. Support for programmes of cooperation and assistance including that provided by United Nations agencies and international organizations to developing countries in the field of R & D, technological and human resources capacity building in the fields of training, maintenance and environmental impact assessments.

6. Ways and means to promote and strengthen favourable access by the developing countries to processes, equipment, research and expertise related to the development and use of environmentally sound technology.

7. Ways and means to support regional and national programmes of scientific research, dissemination of information and technology development among developing countries, including through the involvement of both public and private enterprises and research facilities, as well as funding for TCDC programmes in this areas.

8. [The easing of the transfer of patents and know-how, including the issues of the period of patent protection.]

[The strengthening of the transfer of patents and know-how, including the examination of the issues of the period of patent protection, taking into account also the on-going work in WIPO.]

9. To agree on incorporating [encourage the incorporation of] the transfer of environmentally sound technologies to developing countries in negotiating an International Code of Conduct on Transfer of Technology.

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LA PAUVRETÉ ET LA POPULATION

RÉSUMÉ

Pour les pays en développement, la pauvreté était la question clé de Comité préparatoire (PrepCom III). Ils étaient donc préoccupés parce que cette question venait si tard dans l'ordre du jour et qu'on ne lui accordait qu'un seul jour pour être considérée en même temps qu'un groupe d'autres sujets comprenant la santé, l'instruction et la population. Soixante-trois délégations ont demandé la parole à ce sujet et le président a fini par demander qu'elles se regroupent par région pour exposer leurs points de vue à la réunion. Celles qui ont fait les interventions ont parlé surtout de la question de la pauvreté, mais un grand nombre, notamment les délégations des pays en développement, ont déclaré qu'il fallait s'attaquer aux problèmes de population dans la lutte contre la pauvreté.

Les autres questions au sujet desquelles on a mis l'accent concernaient le rôle que jouent les systèmes financiers et commerciaux internationaux dans la création et la perpétuation de la pauvreté dans les pays en développement, le besoin des pays développés de réduire leur consommation et de modifier leurs habitudes de vie, le rôle des femmes et le besoin de travailler davantage avec les autochtones et les communautés locales. Les questions des systèmes financiers et commerciaux internationaux ont de nouveau été soulevées et étudiées plus en détail au cours du débat sur l'économie internationale.

Documentation

A/CONF.151/PC/45	-	*Poverty and environmental degradation* (La pauvreté et la dégradation de l'environnement)
A/CONF.151/PC/46	-	*The relationship between demographic trends, economic growth, unsustainable consumption patterns and environmental degradation* (La relation entre les tendances démographiques, la croissance économique, les profils de consommation non durable et la détérioration de l'environnement)
A/CONF.151/PC/CRP.14	-	*Cross sectoral issues: poverty, education, health, Chairman's Summary* (Questions intersectorielles : pauvreté, éducation, santé, Aperçu préparé par le président)
A/CONF.151/PC/L.40	-	*Women in environment and development: Decision* (Décision relative au rôle des femmes dans l'environnement et le développement)

A/CONF.151/PC/L.47 - *Youth in environment and development: Decision* (Le rôle des jeunes dans l'environnement et le développemeent : Décision)

A/CONF.151/PC/L.48 - *Indigenous peoples and local communities: Decision* (Les peuples autochtones et les communautés locales : Décision)

A/CONF.151/PC/L.51 - *Cross sectoral issues: poverty, sustainability, health, education, Decision* (Questions intersectorielles : pauvreté, viabilité, santé, éducation, décision)

DISCUSSIONS DU PREPCOM

Voici les objectifs canadiens qui ont été cernés pour PrepCom III :

- faire en sorte que PrepCom se penche particulièrement sur la question de l'inégalité de la répartition, aux niveaux national et international, des ressources économiques et sur l'interaction entre les politiques environnementales et commerciales.

- faire en sorte que PrepCom se penche sérieusement sur le rôle et la situation de la femme dans l'économie.

- faire en sorte que PrepCom examine les modes de consommation des pays riches et des pays à revenus moyens et élaborer des propositions d'action permettant aux pays d'atteindre un équilibre durable entre le nombre de leur population, les ressources naturelles et le niveau de vie.

- encourager l'établissement de stratégies plus efficaces de lutte contre la pauvreté fondées sur des approches ascendentes à l'égard de la planification, des technologies locales et traditionnelles et favoriser l'intégration de la femme et des autochtones au processus décisionnel, puis contrôler ces stratégies en établissant des indicateurs pertinents.

La réunion a débuté par un plaidoyer du directeur du FNUF demandant à ce qu'on fasse intervenir dans les délibérations le groupe qui constitue la majorité de la population mondiale, c'est-à-dire les femmes. D'autres exposés ont porté sur la nécessité de modifier le comportement et les valeurs des humains et d'aborder les questions de santé. En général, un grand nombre de délégations ont fait état des questions de population et de la nécessité de freiner la croissance dans ce secteur. Très peu de délégations ont parlé du besoin d'instruction. L'une des exceptions a été l'Australie qui, dans sa déclaration générale au sujet de l'instruction, a mentionné la conférence ECO ED, qui aura lieu à Toronto.

Le G-77 s'est penché particulièrement sur les questions économiques et internationales et a déclaré qu'il fallait les aborder sérieusement. Ils ont critiqué le document PC45 du Secrétariat, parce qu'il affirmait que la pauvreté dans les pays en développement était attribuable principalement aux politiques nationales. Dans leur intervention, ils ont examiné en détail les statistiques concernant la circulation des ressources entre les pays en développement et les pays développés. Ils ont soutenu que les transferts massifs des pays pauvres aux pays riches se traduisaient continuellement, pour de nombreux pays en développement, par des déséquilibres des balances de paiements, d'où la nécessité d'adopter des mesures d'ajustement structurels. Étant donné que ces programmes sont centrés sur des mesures à court terme destinées à réduire les dépenses publiques, ils

créent un bouleversement considérable sur le plan socio-économique et aggravent les problèmes liés à la pauvreté dans les pays en cause.

La CE a relié les questions de pauvreté et de richesse et a fait allusion au concept de soins primaires en matière d'environnement. Elle a parlé des aspects du développement qui influent sur l'hygiène du milieu en ce qui a trait aux questions d'urbanisation, aux produits chimiques toxiques et aux déchets dangereux. Elle a accueilli favorablement l'idée de la création de la Commission de la santé et de l'environnement de l'OMS, dont le rapport final sera publié à la fin de l'année en cours. Elle est allée jusqu'à dire que les riches, qu'on trouve principalement dans les pays industrialisés, utilisent une part disproportionnée des ressources renouvelables et non renouvelables du globe et déchargent leurs déchets dans l'environnement en quantités dépassant la capacité d'absorbtion de l'écosystème. La CE a demandé l'égalité d'accès aux ressources naturelles. Elle a fait remarquer que la sécurité du régime foncier était une question importante dont il fallait tenir compte, lorsqu'on se penche sur la pauvreté et la détérioration de l'environnement. Elle a demandé qu'on élabore plus clairement le document qui examine les habitudes de consommation et a vivement recommandé qu'on traduise en politiques nationales le concept du développement durable.

La Suède, au nom des pays nordiques, a parlé des habitudes de consommation insoutenables des pays riches. A son avis, c'est aux gouvernements nationaux qu'incombe principalement la responsabilité de réduire la pauvreté. Dans la mise en oeuvre des politiques nécessaires, il faut considérer les gens comme un actif, fournir des services sociaux de base aux démunis et veiller à la redistribution des richesses et des ressources dans les pays. Sur le plan international, les efforts des pays en développement doivent être soutenus par des conditions économiques externes favorables, notamment une économie mondiale saine et un meilleur accès des pays en développement aux marchés.

La Malaysia a fait remarquer que l'allègement de la pauvreté était primordiale pour la CNUED et qu'il fallait des ressources externes pour aborder les questions de pauvreté. Le Costa Rica a recommandé qu'on consacre les dépenses militaires à l'environnement. La Tanzanie a exhorté la CNUED à aborder la question des déséquilibres économiques dans le monde.

Le Third World Network (ONG établie en Asie) a fait état de la nécessité d'accorder des pouvoirs aux communautés, d'assurer une meilleure coopération Nord-Sud et d'assurer un nouvel ordre économique mondial. Il a fait remarquer que la pauvreté avait des racines sur les plans international, national et local. Au niveau international, il faut s'attaquer aux causes de la perte de revenus des pays pauvres causée par l'injustice de l'ordre économique mondial. Il a recommandé qu'Agenda 21 (le Plan d'action pour le XXI^{e} siècle) formule des programmes d'action pour renverser les conditions de marché misérables et déclinantes du tiers monde, accroître la valeur des matières premières du tiers monde afin de tenir compte de la valeur que leur confère la rareté et

de leur valeur écologique et sociale, et afin d'établir des mécanismes pour régler le problème de l'endettement du tiers monde. Au niveau national, les pays riches devraient renforcer les systèmes de sécurité sociale destinés à leurs propres démunis, tandis que les gouvernements des pays pauvres devraient rajuster leurs stratégies de développement de manière à accorder la priorité à la suppression de la pauvreté. Au niveau communautaire, il y a lieu d'élargir les espaces politiques pour que les politiques nationales puissent fonctionner de façon à ce que les pquvres en bénéficient réellement.

La Confédération internationale des syndicats libres (CISL) a déclaré que l'assainissement de l'environnement implique aussi bien des droits que des obligations. Elle a fait remarquer que l'industrie, notamment les travailleurs et les syndicats qui les représentent, seraient appelés à jouer un rôle clé, si nous voulons faire des progrès dans le soulagemenyt de la pauvreté et la réalisation d'un développement économique durable. Les syndicats ont depuis toujours veillé à la santé et à la sécurité de leurs membres. Agenda 21 doit particulièrement reconnaître le rôle des travailleurs et de leurs syndicats dans le processus de changement en vue d'un avenir durable.

Le Népal a parlé particulièrement des pauvres qui vivent dans des régions montagneuses vulnérables. Il a évoqué la nécessité de la participation du public et exhorté les membres de la réunion à ne pas oublier les enfants dans leurs délibérations. Le Kenya a demandé qu'on aborde autrement le planning familial. Les représentants du Forum européen de la jeunesse ont parlé à tour de rôle et demandé qu'on accorde des fonds aux jeunes pour qu'ils puissent assister à la conférence qui se tiendra au Brésil. M. Koh a répondu que c'était déjà fait. Lors de la plénière, la Chine a rappelé que la pauvreté était différente dans chaque pays et a exhorté les membres de la réunion à formuler des recommandations en vue d'améliorer l'ordre économique irrationnel actuel, d'établir de meilleures conditions de remboursement de la dette, de contrôler les sorties de capitaux des pays pauvres ainsi que les conditions de marché.

Action mondiale des parlementaires, qui est un réseau de 650 membres venant de 51 parlements dans le monde, a tenu récemment trois réunions - une à Bellagio, en Italie, une autre à Cambridge, au Massachusets, et la troisième à Abidjan - afin de formuler une ligne de conduite au sujet de certains aspects principaux de la durabilité. Ils ont demandé l'établissement de nouveaux types de traités qui établiraient un plus juste équilibre en matière d'équité internationale entre le Nord et le Sud. Ces traités introduiraient le nouveau concept de la sécurité écologique et un code d'éthique en matière d'équité entre les générations. Pareilles innovations doivent clairement figurer dans les obligations juridiques de ces protocoles. Ils ont également demandé qu'on agisse au sujet des questions environnementales mondiales telles que le changement climatique et on fait remarquer qu'un allègement suffisant de la dette des pays très endettés constitue une condition préalable du développement durable.

Le président a remercié les ONG de leur apport précieux lors des discussions et a signalé qu'il était extrêmement important de poursuivre ce processus, c'est-à-dire la participation

des ONG. La discussion s'est terminée par un exposé de Stephan Schmidheiny, qui est membre du Conseil des entreprises pour le développement durable. Il a déclaré que le transfert de technologie s'est soldé par un échec parce qu'il n'était pas fondé sur la réalité économique. Il a affirmé qu'on pouvait effectuer la plupart des transferts de technologie au moyen des canaux commerciaux ordinaires et a proposé que l'on consacre des fonds spéciaux aux secteurs ne disposant pas de financement commercial. Il a vivement conseillé aux membres de la réunion de sortir des sentiers battus et de travailler de façon stratégique aux secteurs clés importants.

RÉSULTATS ET ÉVALUATION

La discussion de ce point, qui faisait suite aux déclarations des délégués, a été brève et ressemblait dans une large mesure au résumé qu'en a fait le président (annexé au présent rapport).

Dans la décision qui a été adoptée, on a demandé au secrétaire général de préparer des propositions qui seraient incluses dans Agenda 21 et étudiées lors de PrepCom IV. L'examen des propositions d'Agenda 21 sur ce point devra commencer au début de PrepCom IV, ce qui laissera suffisamment de temps pour l'étude des options.

En ce qui concerne les objectifs exposés par la délégation canadienne avant la réunion, on a examiné en profondeur les points de vue des participants au sujet du système économique international tant dans les discussions relatives à la pauvreté que dans celles qui traitant des questions économiques internationales. Toutefois, les membres de la réunion n'ont pas eu beaucoup de temps pour tenir des discussions non officielles ni pour l'étude des options d'Agenda 21. Cette discussion plus approfondie et réaliste devra avoir lieu lors de PrepCom IV. Il n'est pas certain qu'on aura assez de temps pour adopter même provisoirement une résolution au sujet de ces questions ni pour décider d'une ligne de conduite future à ce moment-là.

Bien qu'il n'y ait pas eu de tribune pour une dicussion détaillée des questions concernant la population et la consommation, il était évident aussi bien pour les pays en développement que pour les pays industrialisés qu'il y avait une volonté d'étudier les deux questions ouvertement et d'établir les options d'Agenda 21 en vue de la suite à donner. Dans la décision qui a été adoptée, on donne instruction au secrétaire général de préparer des options pour ces deux points pour PrepCom IV. Pour ce qui est des questions économiques internationales, il restera peu de temps avant la conférence pour qu'on puisse adopter une résolution au sujet de ces deux questions. Le mieux qu'on puisse espérer, c'est qu'on convienne de soumettre l'examen de ces questions à d'autres tribunes bien précises.

En ce qui concerne les femmes et leur interaction avec l'environnement et le développement, l'ébauche d'une décision, qui demandait à la fois l'établissement d'un chapitre distinct dans Agenda 21 et l'intégration de cette question à d'autres chapitres

pertinents, a été parrainée par presque toutes les délégations et adoptée sans discussion. Le défi consistera à aider le Secrétariat de la CNUED à donner suite à la décision durant le peu de temps qui reste. L'ACDI et Condition féminine Canada voudront peut-être emboîter le pas au FNUF et au Secrétariat de la CNUED pour aider à donner suite à la décision.

PrepCom III a adopté deux décisions au sujet de l'importance de faire participer les autochtones, les communautés locales et les jeunes aux délibérations de PrepCom ainsi qu'aux options d'Agenda 21. Cette décision est liée étroitement à l'objectif d'accroître le nombre de participants. Le Canada a encore été un chef de file pour ces questions lors de PrepCom III et le sera encore durant PrepCom IV. Il faudra trouver de nouveaux mécanismes pour faire participer les secteurs non gouvernementaux de façon plus significative et harmonieuse. Le système des Nations Unies, sous sa forme actuelle, n'est pas organisé pour le faire facilement.

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PREPARATORY COMMITTEE FOR THE UNITED NATIONS
CONFERENCE ON ENVIRONMENT AND DEVELOPMENT
Third session
Geneva, 12 August-4 September 1991
Item 2 (c) of the provisional agenda

PREPARATIONS FOR THE UNITED NATIONS CONFERENCE ON ENVIRONMENT AND DEVELOPMENT ON THE BASIS OF GENERAL ASSEMBLY RESOLUTION 44/228 AND TAKING INTO ACCOUNT OTHER RELEVANT GENERAL ASSEMBLY RESOLUTIONS

CROSS-SECTORAL ISSUES

Canada, Finland, Germany, Ghana*, Japan, Netherlands**, New Zealand, Norway, Sweden, United States of America: draft decision

Women in environment and development

The Preparatory Committee recalling General Assembly resolution 44/228 calls inter alia for the development of human resources, particularly in developing countries for the protection and enhancement of the environment, noting that the gender dimension is important in implementing this resolution and its decisions 1/24 (Guidelines for national reports), 1/25 (Environment and Development), 1/28 and 2/6 (Cross-sectoral issues) and taking due account of the recommendations on development in the Nairobi Forward-looking Strategies for the Advancement of Women as they relate to the work of the

* On behalf of the States Members of the United Nations that are members of the Group of 77.

** On behalf of the States Members of the United Nations that are members of the European Community.

United Nations Conference on Environment and Development, which state inter alia that national and international emphasis on ecosystem management and the control of environmental degradation should be strengthened and women should be recognized as active and equal participants in this process, requests the Secretary-General to undertake the following activities in collaboration with the relevant organizations and bodies of the United Nations system, Governments, intergovernmental and non-governmental organizations.

(a) To ensure that key elements relating to women's critical economic, social and environmental contributions to sustainable development be addressed at the United Nations Conference on Environment and Development as a distinct cross-cutting issue in addition to being mainstreamed in all the substantive work and documentation, particularly Agenda 21, the Earth Charter and the Conventions.

(b) To establish mechanisms:

(i) To include a global goal in Agenda 21 promoting the effective participation of women in knowledge generation, decision-making and management at local, national, regional and international levels;

(ii) To recommend specific actions needed in each of the sectoral and cross-sectoral areas of Agenda 21 to ensure that progress towards sustainable development incorporate measures which will have beneficial impacts on women;

(iii) To identify human and material resources and infrastructural support needed from international, regional and national agencies, to promote women's participation in UNCED activities at all levels and in each sector.

(c) To ensure that recommendations from relevant meetings undertaken by non-governmental and intergovernmental organizations and Governments such as the UNCED/UNICEF/UNFPA symposium "Women and Children First"; the United Nations Commission on the Status of Women; the NGO World Women's Congress for a Healthy Planet and the UNEP/SWAG coordinated Global Assembly of Women, be made available to the Preparatory Committee and reflected in Agenda 21.

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PREPARATORY COMMITTEE FOR THE UNITED NATIONS
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PREPARATIONS FOR THE UNITED NATIONS CONFERENCE ON ENVIRONMENT AND DEVELOPMENT ON THE BASIS OF GENERAL ASSEMBLY RESOLUTION 44/228 AND TAKING INTO ACCOUNT OTHER RELEVANT GENERAL ASSEMBLY RESOLUTIONS

CROSS-SECTORAL ISSUES

Ghana*: draft decision

Youth in environment and development

The Preparatory Committee,

Recalling the United Nations General Assembly resolution 44/228 as well as decision 1/25 on environment and development and decisions 1/28 and 2/6 on cross-sectoral issues.

Recalling also the vital role that youth can and should play in the protection of the environment and the promotion of economic and social development.

* On behalf of the States Members of the United Nations that are members of the Group of 77.

1. Decides to include a global goal in Agenda 21, as well as in the Rio de Janeiro declaration on environment and development, the promotion of the effective participation of youth in the field of environment and development;

2. Invites the Secretary-General to present to the Preparatory Committee at its fourth session concrete recommendations and specific actions needed in each of the sectoral and cross-sectoral areas of Agenda 21 to ensure the effective participation of youth towards the integration of environment and development. In this context special attention should be given to the needs of the youth in developing countries.

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Agenda item 2 (c)

PREPARATIONS FOR THE UNITED NATIONS CONFERENCE ON ENVIRONMENT AND DEVELOPMENT ON THE BASIS OF GENERAL ASSEMBLY RESOLUTION 44/228 AND TAKING INTO ACCOUNT OTHER RELEVANT GENERAL ASSEMBLY RESOLUTIONS

CROSS-SECTORAL ISSUES

Australia, Bolivia, Canada, Colombia, Denmark, Ecuador, Finland, Iceland, Mexico, New Zealand, Nicaragua, Norway, Peru, Philippines, Solomon Islands, Sweden, United Republic of Tanzania and Venezuela:

draft decision

Indigenous people and local communities

The Preparatory Committee for the United Nations Conference on Environment and Development,

Recalling its decision 2/7 of 5 April 1991,

Recognizing the important contribution being made by organizations of indigenous people and local communities to the preparations for the United Nations Conference on Environment and Development,

1. Decides to incorporate, inter alia, the following elements for the consideration of the Preparatory Committee at its fourth session in the further elaboration of Agenda 21:

(a) Recognizing the traditional knowledge and resource management practices of indigenous people and local communities as contributions to environmentally sound and sustainable development;

(b) Recognizing that traditional and direct dependence on renewable resources and ecosystems, including sustainable subsistence harvesting, continues to be essential to the cultural, social, economic and physical well-being of indigenous people and local communities;

(c) Recognizing the need to protect the habitats of indigenous people and local communities from environmentally unsound development projects and from inappropriate integration processes;

(d) Strengthening the viability and sustainability of traditional management practices in the context of environmentally sound development, including by means of collaboration between Governments and the people and communities concerned;

(e) Supporting capacity building for indigenous people and local communities based on the adaptation and exchange of traditional experience, knowledge and resources management practices within and between regions;

(f) Supporting their development of alternative, environmentally sound means of production, to ensure the improvement of their quality of life so that they can participate in sustainable development;

(g) Mobilizing international technical and financial cooperation for the self-development of these people and communities, as a first step by means of the opportunity provided by the International Year for the World's Indigenous People;

2. Invites the Chairman of the Working Group on Indigenous Populations to contribute to the work of the secretariat, and to participate in the further deliberations on this topic by the Preparatory Committee and the Conference.

UNITED
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A

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PREPARATORY COMMITTEE FOR THE UNITED NATIONS
CONFERENCE ON ENVIRONMENT AND DEVELOPMENT
Third session
Geneva, 12 August - 4 September 1991
Agenda item 2 (c)

PREPARATIONS FOR THE UNITED NATIONS CONFERENCE ON ENVIRONMENT AND DEVELOPMENT ON THE BASIS OF GENERAL ASSEMBLY RESOLUTION 44/228 AND TAKING INTO ACCOUNT OTHER RELEVANT GENERAL ASSEMBLY RESOLUTIONS

CROSS-SECTORAL ISSUES

Draft decision proposed by the Vice-Chairman, Mr. J. Muliro (Kenya) on the basis of informal consultations

Poverty, sustainability and demographic pressures, health and education

The Preparatory Committee,

Recalling General Assembly resolution 44/228,

1. Takes note with appreciation of the reports of the Secretary-General on poverty, sustainability and demographic pressures, health and education contained in documents A/CONF.151/PC/45-46 and A/CONF.151/PC/54-55 and of the Coordinator's summary of discussions on these subjects at the current session contained in the annex to the present decision; 1/

1/ A/CONF.151/PC/CRP.14.

2. Requests the Secretary-General to continue work on these issues and to prepare and submit to the Committee at its fourth session proposals for action on relevant issues pertaining to poverty, sustainability and demographic pressures, health and education, to be included in Agenda 21 in accordance with its agreed structure as contained in draft decision [ ], taking into account views expressed at the current session.

L'ENVIRONNEMENT ET LA SANTÉ

RÉSUMÉ

L'une des questions sur lesquelles on s'est penché au cours de la réunion du Comité préparatoire (PrepCom III) portait sur l'environnement et la santé. Étaient également inscrites à l'ordre du jour d'autres questions comme l'éducation, la pauvreté et la population. La plupart des interventions ont porté principalement sur la pauvreté, parmi ces quatre questions. Dans leurs interventions, plusieurs pays industrialisés ont fait mention de la santé, notamment les pays membres de la Communauté européenne, les États-Unis et l'Australie. Le Bureau international du travail (BIT), la Confédération internationale des syndicats libres (CISL) et l'Organisation mondiale de la santé (OMS) ont également exhorté les membres de la réunion à examiner plus sérieusement la question de la santé et de l'environnement. L'OMS a présenté les conclusions préliminaires de sa Commission sur la santé et l'environnement et a demandé que ces recommandations soient intégrées au chapitre relatif à la santé dans Agenda 21 (le Plan d'action pour le XXI^{e} siècle). Il se peut que cela ne soit pas possible car le rapport final de la commission doit paraître en novembre, alors que la documentation finale de PrepCom IV doit être reçue au plus tard le 1er décembre. Cette échéance sera stricte cette fois, en raison des nombreux problèmes causés par le retard dans l'acheminement des documents nécessaires pour cette réunion et le fait qu'ils n'ont pas été traduits. La décision A/CONF.151/PC/L.51 présente en annexe le résumé succint qu'a fait le président en vue de la discussion des quatres points. Dans ce résumé, une section est consacrée à la santé.

Documentation

A/CONF.151/PC/54	-	*Environmental Health Aspects of Development* (Aspects environnementaux du développement)
A/CONF.151/PC/CRP.14	-	*Chairman's Summary of Discussions on Poverty, Education and Health* (Résumé des discussions relatives à la pauvreté, l'éducation et la santé, présenté par le président)
A/CONF.151/PC/L.51	-	*Decision on Cross-sectoral Issues (poverty, sustainability, and health and education)* (Decisions concernant les questions intersectorielles : pauvreté, viabilité, santé et éducation)

DISCUSSIONS DU PREPCOM

Voici les principaux objectifs du Canada :

- Connaître les différents points de vue des pays industrialisés et des pays en développement en ce qui concerne la santé;

- Faire reconnaître que le processus décisionnel doit faire intervenir tous les intéressés;

- Favoriser la coopération internationale relativement aux répercussions que la détérioration de l'environnement a sur la santé.

La question de la détérioration de la santé et de l'environnement a été traitée ainsi que celles qui ont trait à la pauvreté, à l'éducation, à la structure démographique et aux habitudes de consommation. Étant donné que la pauvreté était la principale question liée au "développement" et que jusqu'ici on n'avait accordé que très peu d'attention aux questions de développement dans l'ordre du jour, les interventions sur la pauvreté étaient de loin plus importantes que celles qui portaient sur les trois autres questions, notamment la santé. Les quatre questions ont été traitées au cours d'une discussion régulière d'une demi-journée et d'une discussion non officielle d'une demi-journée également.

Plusieurs délégations n'ont toutefois pas manqué d'aborder la question de l'environnement et de la santé, et le président, qui a animé la discussion au sujet de la pauvreté, a inclus une section concernant la santé dans son bref aperçu de cette partie de l'ordre du jour de la la réunion plénière.

La Communauté européenne a mené la discussions en faisant remarquer que la santé avait des répercussions sur presque toutes les autres questions inscrites à l'ordre du jour de la CNUED. Les considérations sur la santé sont d'une importance primordiale lorsqu'on traite de l'urbanisation, de l'approvisionnement en eau douce, des produits chimiques toxiques et des déchets dangereux. En outre, le monde fait face à des problèmes de dimension tels que les changements climatiques et la perte de la biodiversité, qui ont des répercussions sur la santé. La CE a parlé de la Commission de la santé et de l'environnement de l'OMS, qui a été créée en 1990, et a déclaré que la Commission avait fourni à l'OMS les moyens d'élaborer des stratégies pour s'attaquer à l'avenir aux problèmes de santé et d'environnement. Elle a recommandé d'inclure dans Agenda 21 les conclusions et les recommandations finales de la Commission de l'OMS et de les examiner lors de PrepCom IV.

La CE a donné son appui aux quatres secteurs d'action exposés dans le document PC54, mais a déclaré qu'il faudrait établir les priorités et en assurer la coordination. Elle a terminé son intervention en rappelant à la plénière que les ministres de l'environnement et de la santé de la CE se sont réunis en décembre 1989 et ont adopté la Charte européenne de l'environnement et de la santé. Elle a également mentionné la Conférence de Sudsvall sur les Environnements favorables [Sudvall Conference on

Supportive Environments], qui a eu lieu en juin 1991. La CE a demandé que les recommandations de cette conférence soient intégrées à Agenda 21.

La CISL a mentionné le travail accompli par les syndicats, au cours des ans, afin de veiller à la santé et à la sécurité de leurs membres, pour qui souvent les procédés de traitement dangereux et polluants comportent des risques. Le BIT a demandé qu'on reconnaisse la corrélation qui existe entre le milieu de travail et l'environnement et le développement. Il a, par conséquent, demandé qu'on mette davantage l'accent, dans la documentation destinée à PrepCom Iv, sur les activités visant à soutenir l'amélioration des conditions et du milieu de travail, particulièrement les améliorations relatives à la sécurité et à la santé au travail.

Dans sa déclaration, l'Australie a parlé de la Commission de l'OMS et a recommandé qu'elle serve de base à l'élaboration d'un chapitre sur la santé dans Agenda 21 et fournisse également un éventail d'options que l'on pourrait intégrer à d'autres chapitres sectoriels bien précis. Elle a demandé que l'on détermine les priorités clefs qui aideraient énormément à améliorer la santé humaine. La délégation allemande a demandé un plus grand accès aux soins de santé pour réduire la pauvreté.

Dans leur intervention, les États-Unis ont signalé que le dévelopement viable est impossible si la population n'est pas en bonne santé. Un grand nombre des problèmes de santé des plus démunis sont causés ou du moins aggravés par des facteurs environnementaux. La malaria transise par un insecte provoque plus d'un million de décès chez les enfants, en Afrique. Un milliard de personnes manquent d'eau potable et deux milliards n'ont pas d'installations sanitaires. Plus d'un milliard de personnes vivent dans des régions urbaines où le niveau quotidien des macroparticules dépasse la norme recommandée par l'OMS. La norme est dépassée plusieurs fois, lorsque des biocarburants sont brûlés à l'intérieur des maisons.

Il y a lieu d'inclure dans Agenda 21 des mesures visant à modifier cette situation. Parmi les sujets d'un tel programme, mentionnons l'air pur, l'eau potable, les aliments salubres, une bonne alimentation et des installations sanitaires. Pour réussir à créer un environnement plus sain, il faudra tenir compte d'autres sujets d'Agenda 21 tels que les établissements humains, les eaux douces, la pollution de l'air, les déchets toxiques et les déchets solides. Pareil programme devrait comprendre l'évaluation des risques, qui fait appel à la recherche fondamentale, appliquée et opérationnelle ainsi qu'à la gestion des risques, qui porte sur les mesures préventives, de lutte et, dans des cas extrêmes, correctives ou thérapeutiques. Par conséquent, les efforts opérationnels devraient être axés dans une très large mesure sur la prévention des problèmes plutôt que sur les mesures curatives coûteuses.

Enfin, l'OMS a présenté les conclusions préliminaires de sa Commission de la santé et de l'environnement. Celle-ci a tenu sa dernière réunion au mois de juillet de la présente année et procède actuellement à la rédaction de la version finale de son rapport qui sera

publié en novembre tout comme les rapports de chaque comité chargé d'étudier les questions concernant l'énergie, l'industrie, l'urbanisation et l'alimentation et l'agriculture.

Il se dégage de certaines conclusions importantes du rapport, qui est annexé au présent rapport, qu'en dépit de la place très importante qu'occupe la question de la santé dans la vie des gens, en général la santé a jusqu'ici été exclue du débat sur l'environnement et le développement. Les auteurs du rapport ont recours à Agenda 21 et à la Charte de la terre pour remédier à cette situation. Ils ont a également fait remarquer que pour assurer une base durable pour tous en matière de santé, il faudrait accorder une haute priorité à la réduction des taux d'accroissement de la population ainsi qu'à la réduction de la surconsommation et de la production de déchets. En fait, ils ont demandé au secteur de la santé de prendre des initiatives plus hardies de manière à aider tous les secteurs du gouvernement à prendre des mesures concernant la politique de développement et à planifier afin d'assurer que la santé humaine tire profit du développement.

RÉSULTATS ET ÉVALUATION

Dans le résumé du débat sur la pauvreté, la population, la santé et l'éducation, qu'a fait le président, un point a été consacré aux questions de santé. Il se lisait comme suit : "la santé est une condition fondamentale de développement et, par conséquent, la protection et l'amélioration de la santé des femmes, des enfants et de tout le monde devraient être intégrées à tous les programmes de lutte contre la pauvreté et à d'autres programmes pertinents."

Cette disproportion apparente s'explique peut-être par le fait qu'on a moins parlé de la santé dans les interventions (contrairement à la question de la population qui a été soulevée par plusieurs délégations de pays industrialisés et de pays en développement). Il faudra élaborer un mécanisme efficace avant PrepCom IV, afin de veiller à ce que les recommandations contenues dans le rapport de la Commission de l'OMS soient bien intégrées à Agenda 21. Le calendrier adopté n'est pas ce qu'il y a de mieux, étant donné que les documents destinés à PrepCom IV devront être prêts au plus tard le 1er décembre. La santé n'a pas jusqu'ici obtenu la place qu'elle mérite dans le processus de la CNUED. Les professionnels du secteur de la santé de l'ACDI et Santé et Bien-être social Canada voudront peut-être emboîter le pas à l'OMS et au Secrétariat de la CNUED au sujet de la façon d'intégrer les recommandations de la Commission de l'OMS.

Parmi les trois objectifs de la délégation canadienne qui ont été énoncés avant la réunion, le seul sur lequel on s'est penché réellement était le deuxième, c'est-à-dire le besoin de faire participer tous les intéressés. Cela s'inscrivait dans le cadre d'une plus vaste campagne visant à faire participer tous les intéressés à toutes les discussions lors de la réunion. En ce qui concerne les deux autres objectifs, on n'a pas tellement eu l'occasion

de discuter des perspectives des initiatives en matière de santé des pays industrialisés et des pays en développement ni de favoriser une meilleure coopération sur le plan international. La diffusion du rapport de l'OMS pourrait changer la situation lors de PrepCom IV.

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PREPARATIONS FOR THE UNITED NATIONS CONFERENCE ON ENVIRONMENT AND DEVELOPMENT ON THE BASIS OF GENERAL ASSEMBLY RESOLUTION 44/228 AND TAKING INTO ACCOUNT OTHER RELEVANT GENERAL ASSEMBLY RESOLUTIONS

CROSS-SECTORAL ISSUES

Draft decision proposed by the Vice-Chairman, Mr. J. Muliro (Kenya) on the basis of informal consultations

Poverty, sustainability and demographic pressures, health and education

The Preparatory Committee,

Recalling General Assembly resolution 44/228,

1. Takes note with appreciation of the reports of the Secretary-General on poverty, sustainability and demographic pressures, health and education contained in documents A/CONF.151/PC/45-46 and A/CONF.151/PC/54-55 and of the Coordinator's summary of discussions on these subjects at the current session contained in the annex to the present decision; 1/

1/ A/CONF.151/PC/CRP.14.

2. Requests the Secretary-General to continue work on these issues and to prepare and submit to the Committee at its fourth session proposals for action on relevant issues pertaining to poverty, sustainability and demographic pressures, health and education, to be included in Agenda 21 in accordance with its agreed structure as contained in draft decision [ ], taking into account views expressed at the current session.

LES ÉTABLISSEMENTS HUMAINS

RÉSUMÉ

La discussion au sujet des établissements humains constituait clairement, pour les délégations, une priorité revêtant une importance croissante aussi bien pour les pays en développement que pour les pays développés. Le résumé de la discussion qu'a fait le président est annexé au présent rapport. Les délégations qui ont assisté à la plénière ont adopté une décision faisant des établissements humains un chapitre distinct dans Agenda 21 (le Plan d'action pour le XXI[e] siècle) et recommandant que la question soit intégrée à des programmes sectoriels clés ayant trait notamment à l'atmosphère, à la terre, aux régions côtières et à l'eau douce, etc. Les questions sous-jacentes relatives à ce secteur tournent autour de la nécessité de ne pas oublier les établissements humains situés en zone rurale, autour du rôle du CNUEH (Habitat) sur le plan de la coordination des activités internationales et autour du besoin de lier les nombreuses activités qui se produisent au niveau local, notamment la Conférence mondiale sur les villes et l'environnement, qui s'est tenue en août à Toronto, et la troisième conférence au sommet des grandes villes du monde, qui a eu lieu à Montréal du 15 au 17 octobre. L'ACDI et la SCHL voudront peut-être donner suite aux activités du Secrétariat de la CNUED pour assurer l'intégration des recommandations de ces deux conférences à l'ébauche d'Agenda 21, qui est actuellement en cours de préparation et qui sera examinée à la quatrième réunion du Comité préparatoire (PrepCom IV).

Documentation

A/CONF.151/PC 43	*Human Settlements* (Les étatblissements humains)
A/CONF.151/PC/CRP.12	*Human Settlements - Coordinator's Draft Text* (Les établissements humains - Ébauche préparée par le coordinateur)
A/CONF.151/PC/L.44	*Decision adopted on Human Settlements* (Décision relative aux établissements humains)

DISCUSSIONS DU PREPCOM

Voici les objectifs de la délégation canadienne :

- établir un lien direct entre les recommandations formulées au sujets des politiques et programmes internationaux et les initiatives et interventions locales;

- renforcer la question de l'environnement urbain au sein de la CNUED et incorporer à Agenda 21 des recommandations précises au sujet du rôle des communautés urbaines;

- appuyer le principe du partenariat des secteurs public, privé et communautaire dans le développement de stratégies pour l'intégration des besoins des

communautés dans les recommandations des politiques et programmes internationaux;

- souligner les rôles économique et social des femmes dans l'environnement urbain.

La question des établissements humains, qui a été discutée en séance plénière, constituait l'un des quelques sujets d'importance égale et croissante aussi bien pour les pays développés que pour les pays en développement. Durant les interventions officielles, la plupart des délégués ont parlé de la nécessité de faire des questions urbaines un chapitre distinct d'Agenda 21. Certains délégués ont également souligné qu'il était important de ne pas oublier les établissements humains des zones rurales.

La Communauté européenne a souligné la croissance effrénée des villes partout dans le monde. Par conséquent, celles-ci devraient être considérées à la fois comme des problèmes qui s'aggravent rapidement et comme des instruments de développement et de croissance socio-économiques. La CE a attiré l'attention sur le rôle clé joué par le CNUEH (Habitat) et a appuyé le projet de conférence sur les établissements humains de 1997 proposé par la CNUEH.

La CE a également fait remarquer que l'énergie et le transport étaient des questions clefs à considérer en ce qui concerne les villes et a appuyé les propositions faites dans le document PC 43 au sujet des programmes en ce domaine. Elle s'est réjouie des programmes proposés pour des logements adéquats pour tous, pour la gestion des établissements humains et la gestion des ressources foncières. Elle a demandé un renforcement des programmes actuels du PNUD, de la CNUEH et du programme de gestion urbaine de la Banque mondiale pour la mise en oeuvre de tels programmes.

Le directeur exécutif du CNUEH (Habitat) a pris la parole à la plénière. Il a mis l'accent sur sept principaux secteurs de programme qu'il faudra inclure dans Agenda 21, à savoir la création de logements convenables pour tous, la mise en place de l'infrastructure, la fourniture d'énergie et de services de transport respectueux de l'environnement et à un prix raisonnable, la gestion des ressources foncières, le développement de compétence en matière de construction, le développement des ressources humaines et des capacités ainsi qu'une meilleure planification et gestion des établissements humains. Il a également demandé avec insistance la tenue d'une conférence sur les établissements humains en 1997.

La délégation du Kenya a reconnu que l'urbanisation faisait partie intégrante du processus de développement, mais a exhorté les membres de à la réunion à ne pas oublier les régions rurales, étant donné qu'un secteur important de la population de nombreux pays pauvres vit encore dans ces régions. Comme la Communauté européenne, les pays nordiques ont apporté leur soutien à la tenue de la CNUEH et ont souligné l'importance de la création d'un milieu où tout le monde peut vivre en sécurité, le besoin d'améliorer et de transférer les techniques de construction, le besoin de

planifier l'utilisation des terres et de gérer les établissements intégrés. La délégation a souligné particulièrement la nature intersectorielle de la question, surtout en ce qui a trait à la gestion des terres, des ressources en eau douce, des régions côtières et des déchets. Par conséquent, les établissements humains ne devraient pas seulement constituer un chapitre distinct d'Agenda 21, mais devraient faire l'objet d'un examen par rapport aux autres points de cet agenda.

La délégation allemande a annoncé qu'elle était prête à convoquer une conférence internationale sur les stratégies en vue de l'amélioration de l'environnement urbain, qui se tiendrait à Berlin, en février 1992, afin d'échanger des idées et d'offrir des options pour Agenda 21.

Les États-Unis ont fait remarquer que l'urbanisation était un outil puissant pour assurer la prospérité économique à l'échelle nationale et rendre plus accessibles les services sanitaires, éducatifs et sociaux de base. Mais, ils ont admis que les villes ont créé une multitude de problèmes nouveaux et souvent mal compris tels que les effets négatifs sur l'air, la terre et l'eau. Ils ont fait appel à des donateurs bilatéraux et multilatéraux en vue d'établir pour les programmes des objectifs crédibles visant à accroître la réserve de logis convenables et d'infrastructures connexes. Ils ont réalisé que la nature du problème était complexe et que les solutions nécessiteraient qu'on modifie les anciennes politiques économiques et sociales du pays en cause.

Les Philippines ont fait remarquer, lors d'une intervention particulièrement forte, qu'il y avait lieu d'intégrer l'organisation socio-économique en ne considérant pas seulement l'infrastructure matérielle. Il est essentiel que les utilisateurs de cette infrastructure participent directement et étroitement aux programmes. Il faut considérer la population comme un actif plutôt qu'un passif, dans la mise en oeuvre des programmes d'éducation, de développement des capacités et de mobilisation des ressources communautaires. Il faut également créer des emplois dans le voisinage des logements. Le développement économique doit au-delà de la production pour assurer la prestation de services. Pour les régions rurales, cela veut dire attirer les services vers les établissements humains situés à l'extérieur des villes à la fois pour diminuer les presssions sur la migration et fournir d'autres moyens d'existence aux communautés qui dépendent de l'industrie forestière. La délégation des Philippines a proposé l'adoption de mécanismes novateurs dans le domaine de l'urbanisme en vue d'obtenir une répartition équitable des ressources dans les grandes villes. Ces mécanismes pourraient être des politiques permettant aux quartiers riches d'aider à subventionner les quartiers moins favorisés de la ville, ce qui assurerait une redistribution des ressources en vue de résoudre les problèmes environnementaux urgents. Enfin, la délégation des Philippines a plaidé particulièrement en faveur des villes sujettes aux catastrophes, comme par exemple les inondations, les tremblements de terre, etc.

Le Chili a rappelé la conférence de Vancouver de 1977 et demandé pourquoi on n'avait donné suite qu'à un si faible pourcentage des 60 recommandations faites à ce moment-là. Était-ce à cause de l'absence d'une volonté politique ou d'un manque de ressources?

RÉSULTATS ET ÉVALUATION

C'était la première fois que PrepCom avait l'occasion d'aborder la question des établissements humains et il s'agissait manifestement d'une question prioritaire pour de nombreuses délégations de pays en développement et de pays développés. Le rôle futur de la CNUEH a été mentionné par une ou deux délégations, notamment la Communauté européenne, mais la discussion n'a pas permis de dégager clairement le rôle qu'elles pourraient jouer. La délégation canadienne a fait état de la tenue prochaine au Canada de deux conférences concernant les villes (l'une avait lieu au moment même où la délégation faisait son intervention) et il semblerait que l'on soit en train de mettre en place, au niveau municipal, d'autres mécanismes visant à poser le problème des établissements humains urbains sur une base internationale.

Tous les participants ont été d'accord pour dire qu'il s'agissait d'une question clé qui prendrait de plus en plus d'importance au cours de la prochaine décennie. Ils ont adopté une décision faisant des établissements humains un chapitre distinct d'Agenda 21 et insistant pour que d'autres secteurs de programme contiennent des références au sujet des établissements humains, particulièrement concernant l'athmosphère, la terre, les zones côtières et les eaux douces. Ce secteur présentera un intérêt croissant pour un vaste éventail d'intervenants, et le défi au cours des mois précédant PrepCom IV consistera à veiller à ce que les activités qui se déroulent sur divers fronts soient intégrées au chapitre d'Agenda 21 dont l'ébauche sera achevée d'ici la fin de novembre. Il ne faudrait pas laisser la CNUEH s'occuper entièrement de ce processus.

En ce qui concerne les objectifs proposés avant la réunion, ils ont été sinon réalisés intégralement, du moins examinés dans une certaine mesure. On a formulé des recommandations au sujet des liens qui existent entre les activités aux niveaux local et international, mais il existe peu de mécanismes permettant de donner suite à ces recommandations. L'ACDI et la SCHL devraient donner suite aux activités du Secrétariat de la CNUED pour assurer que les recommandations qui découlent des initiatives canadiennes à ce sujet soient bien intégrées au chapitre d'Agenda 21.

Le deuxième objectif a été entièrement atteint puisque les établissements humains ont fait l'objet d'un chapitre distinct d'Agenda 21. Il convient maintenant de veiller à ce qu'il soit convenablement mis en oeuvre. Le troisième objectif, qui consiste à faire intervenir un vaste éventail de commettants dans les discussions, se présente comme un objectif global de la délégation et, à ce titre, a été examiné sur de nombreux fronts durant toute la réunion et mentionné directement dans plusieurs interventions du Canada. Toutefois, le système des Nations Unies (et, par conséquent, le processus du Comité préparatoire) n'est pas encore habitué à la participation d'intervenants autres

que le gouvernement. À ce sujet, les résultats obtenus n'ont pas été tout à fait positifs lors de la réunion et le Canada devrait continuer à faire preuve de leadership en vue d'une plus grande participation, si les diverses parties intéressées doivent poursuivre leurs activités à la CNUED et par après.

En ce qui concerne le rôle des femmes, PrepCom III a décidé d'inclure un chapitre distinct au sujet des femmes dans Agenda 21 et d'intégrer cette question dans chaque secteur. L'application de la décision au sujet des établissements humains devrait être contrôlée soigneusement. Il est presque trop tard pour inscrire à Agenda 21 les conférences importantes au sujet des questions féminines, puisqu'elles se tiennent à Miami, en novembre.

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PREPARATIONS FOR THE UNITED NATIONS CONFERENCE ON ENVIRONMENT AND DEVELOPMENT ON THE BASIS OF GENERAL ASSEMBLY RESOLUTION 44/228 AND TAKING INTO ACCOUNT OTHER RELEVANT GENERAL ASSEMBLY RESOLUTIONS

CROSS-SECTORAL ISSUES

Draft decision proposed by the Vice-Chairman, Mr. Enrique Peñalosa, (Colombia) on the basis of informal consultations

Human settlements

GE.91-72403/7252a

The Preparatory Committee

1. Recalls General Assembly resolution 44/228, section I, paragraph 12, which affirmed that the environmental issues to be considered by the Conference would include, inter alia:

"(h) Improvement of the living and working environment of the poor in urban slums and rural areas, through the eradication of poverty, inter alia, by implementing integrated rural and urban development programmes, as well as taking other appropriate measures at all levels necessary to stem the degradation of the environment;

(i) Protection of human health conditions and improvement of the quality of life";

2. Welcomes the report on Human Settlements by the Secretary-General of the Conference contained in document A/CONF.151/PC/43, as well as the documentation transmitted by the Commission on Human Settlements in accordance with decision 1/28 of the Preparatory Committee;

3. Recognizes that human settlements activities can considerably strengthen the development component of the Conference agenda through their contribution to employment generation, human resources development, industrial growth, and the alleviation of poverty;

4. Notes that integrated planning and management of human settlements can both satisfy growing needs for shelter, infrastructure and services and contribute to minimizing adverse environmental impacts under most of the major issues addressed in resolution 44/228;

5. Further notes that the situation of urban agglomerations in developed countries and their quality of life have generally improved in the past two decades, instances of localized deterioration being rather the exception, and aware that, on the contrary, this situation of urban agglomerations in developing countries has steadily deteriorated with most serious and manifold consequences on their populations;

6. Decides that human settlements should be treated as a distinct programme of Agenda 21, and that its programme areas should address human settlements as a substantive framework for sustainable development and that programme areas such as atmosphere, land, coastal areas, freshwater and waste management should include the human settlements dimension;

7. Further decides that the implementation of the Global Strategy for Shelter to the Year 2000 should be strengthened and form a major element of the Human Settlements Programme of Agenda 21, aimed at facilitating adequate living conditions for all by focusing on critical elements in the enabling approach of the Strategy;

8. Requests the Secretary-General of the Conference in cooperation with the Executive Director of the United Nations Centre for Human Settlements (HABITAT) to develop the Human Settlements Programme as an integral part of the Agenda 21 document to be presented to the Preparatory Committee at its fourth session in March 1992 in the light of the relevant decisions of the Preparatory Committee on Agenda 21 and further requests the Secretary-General in developing the above-mentioned programme to fully take into account the coodinato summary of views submitted by Member States which, inter alia, include the following:

'a) That the urban environment should be accorded highest priority, while, specifically in connection with predominantly rural countries, full attention should be paid to the need to improve rural settlement environments;

(b) That a new programme area related to human settlements planning in disaster-prone areas be established and developed in cooperation with interested United Nations agencies active in this field, keeping in mind the effects on human settlements, on their residents and on the process of sustainable development of natural and man-made disasters (including wars), technological and other environmental accidents;

(c) That consideration be given to new and innovative human settlement strategies which take into account the following aspects:

(i) Generation of employment in human settlements;

(ii) Promotion of health, education and recreation in human settlements;

(iii) Research, information and action programmes on adequate technology for human settlements (including technology for building; waste management, administration of human settlements, etc.);

(iv) Exchange and dissemination of data between cities;

(v) International cooperation for financing the upgrading of informal settlements and urban infrastructure;

(vi) Adaptation of codes and regulations to the needs of the poor;

(vii) Adoption of innovative city planning strategies for adequate sharing of resources (cross-subsidies);

(viii) Adoption of land-use planning techniques for a more efficient use of limited land resources;

(ix) Adoption of new programmes to slow down the growth of megacities through the creation of intermediate cities and the industrialization of rural areas;

(x) Adoption of programmes which actively promote shelter upgrading and delivery of increased housing stock through community participation;

(xi) Stimulation of the locally available intellectual, financial and private-sector potential for human settlements planning and management;

(xii) Shelter provision for the "no-income" groups of population and the critically poor;

(xiii) Research, development and use of indigenous building materials;

(xiv) Encouragement to Governments to mobilize funding from all possible sources through new and innovative mechanisms;

(d) That certain programme area targets should be more clearly defined, for example:

(i) By setting a target for providing drinking water for all by the year 2000;

(ii) By setting a target to provide land for all (minimum plot);

(iii) By setting a target to eliminate the world housing deficit by the year 2020;

(iv) By harmonizing human settlements policies with population and urbanization policies;

(e) That such targets, as may be set to supply adequate shelter and related infrastructure, be credible in order both to mobilize public interest and support and to monitor, measure and promote progress in meeting them.

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Human settlements - Coordinator's draft text

The Preparatory Committee:

Recalling General Assembly resolution 44/228 which specifies the improvement of the living and working environments of the poor in urban slums and rural areas as a priority area to be addressed by the Conference;

Having considered the report of the Secretary-General on Human Settlements contained in document A/CONF.151/PC/43, as well as the documentation transmitted by the United Nations Commission on Human Settlements in accordance with decision 1/28 of the Preparatory Committee;

Taking note of the many (several) statements which have stressed the importance of Human Settlements planning and management for facilitating economic growth, satisfying essential human needs and protecting the human resources development environment;

Recognizing that Human Settlements activities can considerably strengthen the development component of the Conference agenda through their contribution to employment generation, growth, and the alleviation of poverty;

Aware that several existing global programmes on Human Settlements, such as the Global Strategy for Shelter to the Year 2000 will need to be strengthened, while new programmes and initiatives will need to be identified and also reflected in "Agenda 21", as recommended in the report of the Secretary-General of the Conference;

Also aware that the sustainable planning and management of Human Settlements is the integrated dimension which can both satisfy growing needs for shelter, infrastructure and services and contribute to minimizing adverse environmental impacts under most of the major issues addressed in resolution 44/228;

Decides that Human Settlements should be treated as a distinct area of Agenda 21, and that its programme areas should include both specific Human Settlements issues and cross-linkages to sectoral issues such as atmosphere, land, coastal areas and freshwater;

Requests the Secretary-General of the Conference to develop the above programme area proposal for Human Settlements as an integral part of the final Agenda 21 document to be presented at the fourth session of the Preparatory Committee in March 1992 in the light of the decision ... on Agenda 21 and take into account the proposals contained in PC/43 and the attached Annex.

Annex

1. Human Settlements should form a distinct programme of Agenda 21.

2. The urban environment should be accorded highest priority.

3. Human Settlements issues should be integrated in all programme areas of Agenda 21 while avoiding overlapping between activities proposed in the Human Settlements and other sectoral programmes such as land and energy.

4. The Human Settlements programme of activities should be enlarged to include:

(a) A new programme related to Human Settlements planning in disaster-prone areas.

(b) The non-physical aspects of Human Settlements which relate to:

- the no-income groups of the population;
- the generation of employment in Human Settlements;
- and the promotion of health in settlements.

(c) The transfer of technology in Human Settlements infrastructure; the exchange and dissemination of data between cities; and international cooperation for financing the upgrading of informal settlements and urban infrastructure.

(d) The use of new Human Settlements strategies aimed at facilitating access to shelter through:

- adaptation of codes and regulations to the needs of the poor;
- adoption of innovative city planning strategies for adequate sharing of resources (cross-subsidies);
- adoption of land-use planning techniques for a more efficient use of limited land resources;
- adoption of new programmes to slow down the growth of megacities through the creation of intermediate cities and the industrialization of rural areas.

5. Certain programme targets should be more clearly defined for example:

- by setting a target for providing drinking water for all by the year 2000;
- by setting a target to provide land for all (minimum plot) by the year 2000;
- by harmonizing Human Settlements policies with population and urbanization policies.